WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

SENATE BILL No. 358

(By Mr. W. Henley, by request)

PASSED March 8, 1947

In effect thirty days from passage
AN ACT to amend and reenact sections one, five and nine, article five, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to vital statistics.

Be it enacted by the Legislature of West Virginia:

That sections one, five and nine, article five, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 1. Supervision by State Department of Health.

2 --The state department of health shall have charge of the registration of births, deaths and marriages; shall prepare the necessary instructions, forms and blanks for obtaining and preserving the state records; and shall procure the faithful registration of every birth occurring in the state of children born of any citizen of this state while
temporarily outside of the state and requests such registration; and all of the deaths occurring in the state or to persons who had a known place of residence or domicile therein and died while outside this state and who is or has been returned to the state for burial; and of every marriage, the license for which is issued in this state; in each primary registration district, as constituted in section three of this article, and in the central division of vital statistics at the capitol of the state. The said department shall be charged with the uniform and thorough enforcement of the provisions of this article throughout the state.

Sec. 5. Burial or Removal Permit.—The body of any person whose death occurs in this state, or who shall be found therein, or who had a known place of residence or was domiciled therein and who dies outside this state and is returned thereto for burial, shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from or into any registration district, or be temporarily held pending further disposition more than seventy-two hours after death, unless a permit
for burial, removal, or other disposition thereof shall have
been properly issued by the local registrar of the regis-
tration district in which the death occurred or the body
was found. And no such permit shall be issued by any
registrar until, wherever practicable, a complete and sat-
isfactory certificate of death has been filed with him as
hereinafter provided: Provided, That when a dead body
is transported from outside the state into a registration
district in West Virginia for burial, or other disposition,
the transit or removal permit, issued in accordance with
the law and health regulations of the place where the
death occurred, shall be accepted by the local registrar
of the district into which the body has been transported
for burial or other disposition, as a basis upon which he
may issue a local permit; he shall note upon the face of
such permit the fact that it was a body shipped in for in-
terment, or other disposition, and give the actual place
of death, and such additional information as may be re-
quired in making the death certificate provided for
above, a copy of which certificate shall be filed by the
local registrar with the clerk of the county court where
the deceased was a resident, and by such clerk recorded
in his record of deaths; and for filing such copy the county
court where such certificate is filed shall allow and pay
such registrar a fee of twenty-five cents; and no local
registrar shall receive any fee for the issuance of such
permits under this article other than the compensation
provided in section eighteen of this article.

Sec. 9. Duties of Undertaker; Provisional Death Certifi-
cate; Casket Dealer.—The undertaker, or person acting as
undertaker, shall file the certificate of death with the local
registrar of the district in the district in which the death
occurred, or if the death occurred outside of the state and
the deceased is to be buried in this state a copy of the
certificate as complete as reasonably possible shall be
filed with the local registrar in the county in which the
deceased was a resident, and obtain a burial or removal
permit prior to any disposition of the body. He shall
obtain the required personal and statistical particulars
from the person best qualified to supply them, over the
signature and address of his informant. He shall then
present the certificate to the attending physician, if any,
or to the health officer or coroner, as directed by the local registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in sections seven and eight. And he shall then state the facts required relative to the date and place of burial or removal, over his signature and with his address, and present the completed certificate to the local registrar in order to obtain a permit for burial, removal or other disposition of the body: Provided, That in an emergency where it is necessary to ship a body, or where for other good and sufficient reasons an undertaker, or person acting as such, is unable to comply with the requirements of this section, he may file a provisional death certificate with the local registrar and secure from that official a burial, removal or transit permit: Provided further, That within a period of ten days the undertaker, or person acting as such, shall exchange, for the provisional death certificate previously filed, a death certificate completely and satisfactorily made out, as contemplated in this section. The undertaker shall deliver the burial permit to the person in charge of the place of burial,
before interring or otherwise disposing of the body; or
shall attach the removal permit to the box containing
the corpse, when shipped by any transportation company;
said permit to accompany the corpse to its destination,
where, if within the state of West Virginia, it shall be
delivered to the person in charge of the place of burial.
Every person, firm or corporation selling a casket shall
keep a record showing the name of the purchaser, pur-
chaser's post-office address, name of deceased, date of
death, and place of death of deceased, which record
shall be open to inspection of the state registrar at all
times. On the first day of each month the person, firm or
corporation selling caskets shall report to the state regis-
trar each sale for the preceding month, on a blank pro-
vided for that purpose: Provided, however, That no per-
son, firm or corporation selling caskets to dealers or un-
dertakers only shall be required to keep such record, nor
shall such report be required from undertakers when they
have direct charge of the disposition of a dead body.
Every person, firm or corporation selling a casket at
retail, and not having charge of the disposition of the
body, shall inclose within the casket a notice furnished by
the state registrar calling attention to the requirements
of the law, a blank certificate of death, and the rules and
regulations of the state department of health concerning
the burial or other disposition of a dead body.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Forest L. McNeer
Chairman Senate Committee

R. S. Matthews
Chairman House Committee

Originated in the Senate

Takes effect thirty days from passage.

Howard L. Keyser
Clerk of the Senate

Clerk of the House of Delegates

Arnold M. Vickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within approvethis the 13th day of , 1947.

Governor.

Filed in the Office of the Secretary of State of West Virginia MAR 1 3, 1947

Wm. S. O'Brien,
Secretary of State