

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

SENATE BILL No. 358

(By Mr. W. Kenley by request)



PASSED March 8, 1947

In Effect Thirty days from Passage



358

ENROLLED

Senate Bill No. 358

(By MR. MCKINLEY, by request)

[Passed March 8, 1947; in effect ninety 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
3 registration of births, deaths and marriages; shall pre-
4 pare the necessary instructions, forms and blanks for ob-
5 taining and preserving the state records; and shall procure
6 the faithful registration of every birth occurring in the
7 state of children born of any citizen of this state while

8 temporarily outside of the state and requests such regis-
9 tration; and all of the deaths occurring in the state or to
10 persons who had a known place of residence or domicile
11 therein and died while outside this state and who is or
12 has been returned to the state for burial; and of every
13 marriage, the license for which is issued in this state;
14 in each primary registration district, as constituted in
15 section three of this article, and in the central division of
16 vital statistics at the capitol of the state. The said depart-
17 ment shall be charged with the uniform and thorough en-
18 forcement of the provisions of this article throughout the
19 state.

Sec. 5. *Burial or Removal Permit.*—The body of any
2 person whose death occurs in this state, or who shall be
3 found therein, or who had a known place of residence or
4 was domiciled therein and who dies outside this state
5 and is returned thereto for burial, shall not be interred,
6 deposited in a vault or tomb, cremated, or otherwise dis-
7 posed of, or removed from or into any registration dis-
8 trict, or be temporarily held pending further disposition
9 more than seventy-two hours after death, unless a permit

10 for burial, removal, or other disposition thereof shall have
11 been properly issued by the local registrar of the regis-
12 tration district in which the death occurred or the body
13 was found. And no such permit shall be issued by any
14 registrar until, wherever practicable, a complete and sat-
15 isfactory certificate of death has been filed with him as
16 hereinafter provided: *Provided*, That when a dead body
17 is transported from outside the state into a registration
18 district in West Virginia for burial, or other disposition,
19 the transit or removal permit, issued in accordance with
20 the law and health regulations of the place where the
21 death occurred, shall be accepted by the local registrar
22 of the district into which the body has been transported
23 for burial or other disposition, as a basis upon which he
24 may issue a local permit; he shall note upon the face of
25 such permit the fact that it was a body shipped in for in-
26 terment, or other disposition, and give the actual place
27 of death, and such additional information as may be re-
28 quired in making the death certificate provided for
29 above, a copy of which certificate shall be filed by the
30 local registrar with the clerk of the county court where

31 the deceased was a resident, and by such clerk recorded
32 in his record of deaths; and for filing such copy the county
33 court where such certificate is filed shall allow and pay
34 such registrar a fee of twenty-five cents; and no local
35 registrar shall receive any fee for the issuance of such
36 permits under this article other than the compensation
37 provided in section eighteen of this article.

Sec. 9. *Duties of Undertaker; Provisional Death Certificate; Casket Dealer.*—The undertaker, or person acting as
2 undertaker, shall file the certificate of death with the local
3 registrar of the district in the district in which the death
4 occurred, or if the death occurred outside of the state and
5 the deceased is to be buried in this state a copy of the
6 certificate as complete as reasonably possible shall be
7 filed with the local registrar in the county in which the
8 deceased was a resident, and obtain a burial or removal
9 permit prior to any disposition of the body. He shall
10 obtain the required personal and statistical particulars
11 from the person best qualified to supply them, over the
12 signature and address of his informant. He shall then
13 present the certificate to the attending physician, if any,
14

15 or to the health officer or coroner, as directed by the local
16 registrar, for the medical certificate of the cause of death
17 and other particulars necessary to complete the record,
18 as specified in sections seven and eight. And he shall
19 then state the facts required relative to the date and
20 place of burial or removal, over his signature and with
21 his address, and present the completed certificate to the
22 local registrar in order to obtain a permit for burial,
23 removal or other disposition of the body: *Provided*, That
24 in an emergency where it is necessary to ship a body,
25 or where for other good and sufficient reasons an under-
26 taker, or person acting as such, is unable to comply with
27 the requirements of this section, he may file a provisional
28 death certificate with the local registrar and secure from
29 that official a burial, removal or transit permit: *Provided*
30 *further*, That within a period of ten days the undertaker,
31 or person acting as such, shall exchange, for the provi-
32 sional death certificate previously filed, a death certificate
33 completely and satisfactorily made out, as contemplated
34 in this section. The undertaker shall deliver the burial
35 permit to the person in charge of the place of burial,

36 before interring or otherwise disposing of the body; or
37 shall attach the removal permit to the box containing
38 the corpse, when shipped by any transportation company;
39 said permit to accompany the corpse to its destination,
40 where, if within the state of West Virginia, it shall be
41 delivered to the person in charge of the place of burial.

42 Every person, firm or corporation selling a casket shall
43 keep a record showing the name of the purchaser, pur-
44 chaser's post-office address, name of deceased, date of
45 death, and place of death of deceased, which record
46 shall be open to inspection of the state registrar at all
47 times. On the first day of each month the person, firm or
48 corporation selling caskets shall report to the state regis-
49 trar each sale for the preceding month, on a blank pro-
50 vided for that purpose: *Provided, however,* That no per-
51 son, firm or corporation selling caskets to dealers or un-
52 dertakers only shall be required to keep such record, nor
53 shall such report be required from undertakers when they
54 have direct charge of the disposition of a dead body.

55 Every person, firm or corporation selling a casket at
56 retail, and not having charge of the disposition of the

57 body, shall inclose within the casket a notice furnished by
58 the state registrar calling attention to the requirements
59 of the law, a blank certificate of death, and the rules and
60 regulations of the state department of health concerning
61 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. McNear
Chairman Senate Committee

R. L. Matthews
Chairman House Committee

Originated in the Senate

Takes effect Thirty days from passage.

Howard Myers
Clerk of the Senate

James
Clerk of the House of Delegates

Arnold M. Vickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within Approved this the 13
day of March, 1947.

Robert M. Stewart
Governor.



Filed in the Office of the Secretary of State
of West Virginia MAR 13 1947
WM. S. O'BRIEN,
SECRETARY OF STATE