

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955



ENROLLED

HOUSE BILL No. 162

(By Mr. Bowles)



PASSED February 22, 1955

In Effect 90 days from Passage



Filed In the Office of the Secretary of State
of West Virginia MAR 3 1955

D. PITT O'BRIEN
SECRETARY OF STATE

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House Bill No. 162
(By MR. BOWLES)

[Passed February 22, 1955; in effect ninety days from passage.]

AN ACT to amend and reenact sections twelve to eighteen, inclusive, article eleven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the composition, powers and duties of the state anatomical board, and to the duties and liabilities of persons having charge or control of unclaimed dead human bodies, making the violation of any provision hereof a misdemeanor, and prescribing penalties therefor.

Be it enacted by the Legislature of West Virginia:

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

Section 12. *Anatomical Board; Composition; Powers;*
2 *Duties.*—The dean of the school of medicine, the dean of

3 the school of dentistry, and the professor of anatomy in
4 the school of medicine are hereby constituted a board,
5 to be known as the "West Virginia Anatomical Board",
6 for the purpose of making requisition for, receiving, and
7 making disposition of the dead human bodies mentioned
8 in the following section, for the scientific uses and pur-
9 poses of the West Virginia University schools of medicine,
10 dentistry and nursing. The board shall have full power
11 to establish rules and regulations for its own government,
12 and for the requisition, use, disposition, and control of
13 such bodies as may come under its authority pursuant to
14 this article. The board shall have authority to appoint
15 such officers, employees, and agents as may be necessary
16 to carry out the purposes for which the board is organized.
17 It shall keep a full and complete record of its transactions,
18 showing among other things, every dead human body
19 received pursuant to this article, giving name, sex, age,
20 date of death, place from which received, when and from
21 whom received, which record shall be open at all times
22 to the inspection of the attorney general and any prose-
23 cuting attorney in the state.

Sec. 13. *Dead Bodies Subject to Requisition of Anatomical Board; Autopsies Thereon.*—

2 cal Board; Autopsies Thereon.—All dead human bodies
3 which may come under the charge or control of any
4 mortician, any officer or agent of the department of public
5 assistance or of any county court or municipality, or any
6 superintendent, officer or agent having the supervision
7 of any prison, morgue, hospital, or other public institution
8 in this state, and which may be required to be buried at
9 public expense, shall be subject to the requisition of the
10 anatomical board as provided in the following section.
11 But no such body shall be delivered to the board if any
12 person related to the deceased by blood or marriage shall
13 make a statement in writing to that effect, and shall claim
14 such body for burial, or shall make affidavit that he is
15 unable to bear the expense of burial and desires that the
16 deceased be buried at public expense. Such statement
17 and affidavit may be filed by any such relative with the
18 person having charge and control of the body of the per-
19 son so claimed, either before or after the death of such
20 person.

21 No autopsy shall be performed on any unclaimed body

22 without the written permission of the anatomical board,
23 except upon the proper order of a duly authorized law
24 enforcement officer.

Sec. 14. *Requisition for Dead Bodies.*—It shall be the
2 duty of any person who has charge or control of any
3 unclaimed body, subject to requisition by the anatomical
4 board, to give notice to the board of that fact by telephone
5 or telegraph within twenty-four hours after such body
6 comes under his control. Thereafter he shall hold the
7 body subject to the order of the anatomical board for at
8 least twenty-four hours after the sending of such notice.
9 If the anatomical board makes requisition for the body
10 within the twenty-four hour period, it shall be delivered
11 to the board or its authorized agent for transportation to
12 West Virginia University.

Sec. 15. *Transportation of Dead Bodies.*—The anatomi-
2 cal board shall make suitable arrangements for the trans-
3 portation to West Virginia University of any body for
4 which it may make requisition as aforesaid.

Sec. 16. *Expense of Delivery.*—All expenses incurred in
2 connection with the preservation, delivery and transpor-

3 tation of any such body delivered to the anatomical board
4 shall be paid by West Virginia University.

Sec. 17. *Bond of Anatomical Board.*—No dead body
2 shall be received by the anatomical board until a bond
3 shall have been given by the members thereof, or by the
4 university on their behalf, with security approved by the
5 clerk of the circuit court of Monongalia county in a
6 penalty of one thousand dollars, conditioned that all
7 bodies which the board shall receive shall be used only
8 for the promotion of medical science in the schools of
9 medicine, dentistry, and nursing of West Virginia Uni-
10 versity. Such bond shall be filed with and recorded by the
11 clerk of the circuit court of Monongalia county.

Sec. 18. *Offenses Relating to Anatomical Board; Liabili-*
2 *ty and Penalties.*—Any person who shall neglect, refuse,
3 or fail to perform any duty required of him by the sec-
4 tions of this article relating to the anatomical board shall
5 be guilty of a misdemeanor, and upon conviction thereof,
6 shall be punished by a fine of not more than one hundred
7 dollars or by imprisonment in the county jail for not more
8 than ten days, or by both such fine and imprisonment. Any

9 person who fails to give the required notice that he has
10 charge of an unclaimed body, subject to requisition by the
11 anatomical board, shall also be personally liable for all
12 burial expenses, if such body was buried at public ex-
13 pense, to the public agency that paid for the burial.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 1
day of March, 1955.

[Signature]
Governor



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D. PITT O'BRIEN
SECRETARY OF STATE