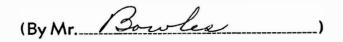
WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

ENROLLED

HOUSE BILL No._/62



PASSED February 22, 1955 In Effect 90 daup from Passage

Filed in the Office of the Secretary of State of West Virginia MAR 3 1955 D. PITT O'BRIEN SECRETARY OF STATE

ENROLLED 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 Enr. H. B. No. 162]

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3 the school of dentistry, and the professor of anatomy in 4 the school of medicine are hereby constituted a board, to be known as the "West Virginia Anatomical Board", 5 for the purpose of making requisition for, receiving, and 6 making disposition of the dead human bodies mentioned 7 in the following section, for the scientific uses and pur-8 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, and for the requisition, use, disposition, and control of 12 such bodies as may come under its authority pursuant to 13 this article. The board shall have authority to appoint 14 such officers, employees, and agents as may be necessary 15 to carry out the purposes for which the board is organized. 16 17 It shall keep a full and complete record of its transactions, showing among other things, every dead human body 18 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 prosecuting attorney in the state. 23

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

21 No autopsy shall be performed on any unclaimed body

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22 without the written permission of the anatomical board,23 except upon the proper order of a duly authorized law24 enforcement officer.

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

Sec. 15. Transportation of Dead Bodies.—The anatomical board shall make suitable arrangements for the transportation to West Virginia University of any body for
which it may make requisition as aforesaid.

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

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3 tation of any such body delivered to the anatomical board4 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 shall have been given by the members thereof, or by the 3 university on their behalf, with security approved by the 4 5 clerk of the circuit court of Monongalia county in a penalty of one thousand dollars, conditioned that all 6 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; Liability and Penalties.—Any person who shall neglect, refuse,
or fail to perform any duty required of him by the sections of this article relating to the anatomical board shall
be guilty of a misdemeanor, and upon conviction thereof,
shall be punished by a fine of not more than one hundred
dollars or by imprisonment in the county jail for not more
than ten days, or by both such fine and imprisonment. Any

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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 ex13 pense, to the public agency that paid for the burial.

The Joint Committee on Enrolled Bills hereby certifies that foregoing bill is correctly emplled. Chairman Senate Committee Chairman House Committee Originated in the House of Delegates Takes effect. <u>90 days from</u> passage. Clerk of the House of Delegates President of Senate Speaker House of Delegates The within approved this the _____ day of March _____, 1955. William C Marlans Governor a 1 Filed in the Office of the Secretary of State of West Virginia D. PITT O'BRIEN SECRETARY OF STATE