ENROLLED

SENATE BILL NO. 29

(By Mr. Kaufman)

PASSED
February 16th, 1961

In Effect Immediately on Passage

Filed in Office of the Secretary of State
of West Virginia
January 23, 1961

JOE F. BURDETT
SECRETARY OF STATE
AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article designated article nineteen, relating to the disposition by written instrument of eyes or parts thereof after death for the purpose of medical science or rehabilitation of human beings.

Be it enacted by the Legislature of West Virginia:

That chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article designated article nineteen, to read as follows:
Article 19. Donation of Eyes.

Section 1. Right of Disposition.—The Legislature finds and declares that a person has the right to direct the manner in which his eyes, or any part thereof, shall be disposed of after his death.

Sec. 2. Manner of Disposition.—A person twenty-one or more years of age and of sound mind may prescribe by written instrument for the disposition to be made, after his death, of his eyes or any part thereof, if such person shall receive no remuneration or other thing of value for such disposition and it is for the purpose of advancing medical science or for the replacement or rehabilitation of diseased eyes or worn out or injured parts of the eyes of living human beings. The person or persons having the right to a body for burial may likewise so consent to such use of the eyes or parts thereof. Notwithstanding any provision of chapter forty-one of this code, any such donation, authorization or consent may be by dated written instrument signed by the person making or giving the same and witnessed by two persons of legal age.
Sec. 3. **Donees.**—No particular form or words shall be necessary or required for such donation or authorization:

Provided, That the instrument conveys the clear intention of the purpose of the person making the same. Any such disposition of his own eyes or parts thereof may be revoked by the donor at any time prior to his death by the execution of a written instrument in the same manner as the original grant.

Each instrument may designate the donee, but such designation shall not be necessary to its validity. A donee may be an individual, hospital, institution, an agency engaged in sight restoration or a bank maintained for the storage, preservation and use of human eyes or parts thereof. If no specific donee is named in such instrument, then the hospital in which the donor dies shall be considered to be the donee, and if such donor does not die in a hospital, then the attending physician shall be considered to be the donee; such hospital or physician shall have full authority to take and remove said eyes or parts thereof which such donor has designated and to make the same available to any person or institution in need thereof.
Where a donee is named in such instrument, any hospital or physician acquiring possession or custody of the body shall have the authority to remove from the body the eyes or parts thereof which the donor has designated and to deliver the same to the named donee: *Provided, however,*

That no one shall receive any remuneration or other thing of value whatsoever, except the established fees, for the rendition of such services, for any eyes or parts thereof donated under the provisions of this act, and that no claim for services in removing the eyes or parts thereof shall be a claim against the estate of the deceased. No hospital, donee or physician, who reasonably relies upon a dispositive instrument appearing to have been made in conformity with the provisions of this article, shall be liable civilly or criminally for removing eyes or parts thereof from the body of a deceased donor. No court order or appointment of a fiduciary for the estate of the deceased shall be necessary before the removal of said eyes or parts thereof.
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 Senate.

Takes effect ninety 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 22nd
day of January, 1961.

[Signature]
Governor