WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED

HOUSE BILL No. 110

(By Mr. Bratcher)

PASSED ______ by __________ 1963

In Effect ______ Days from Passage

Filed in Office of the Secretary of State
of West Virginia 2-18-63,
JOE F. BURDETT
SECRETARY OF STATE
ENROLLED

House Bill No. 110
(By Mr. Brotherton)

[Passed February 11, 1963; in effect ninety days from passage.]

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 four-b, relating to autopsies on bodies of deceased persons in the interest of medical science.

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 four-b, to read as follows:
Article 4-b. Performance of Autopsies on Bodies of Deceased Persons.

Section 1. Autopsy on Body of Deceased Persons in Interest of Medical Science; Who May Perform; Written Consent Required; Who May Give Consent.—In case of the death of any person in the state of West Virginia, the attending physician, or if there be none, any physician, if he deems it advisable in the interest of medical science, may perform or cause to be performed an autopsy on the body of such deceased person without liability therefor, provided consent to such autopsy, in writing, is first obtained from (1) the surviving spouse of deceased; (2) if there be no surviving spouse, then any child of deceased over the age of twenty-one years: Provided, That the child's permission shall not be valid, if any other child of the deceased over the age of twenty-one years objects prior to said autopsy and said objection shall be made known in writing to the physician who is to perform the autopsy. (3) if there be no surviving spouse, nor any child of deceased over the age of twenty-one years, then the mother or father of deceased; (4) if there
be no surviving spouse, nor any child over the age of twenty-one years, nor mother or father, then the duly appointed and acting fiduciary of the estate of the deceased; or (5) if there be no surviving spouse, nor any child over the age of twenty-one years, nor mother or father, nor duly appointed and acting fiduciary of the estate of deceased, then the person, firm, corporation or agency legally responsible for the financial obligation incurred in disposing of the body of deceased.

In the event the spouse, child or parent of deceased be mentally incompetent then the person authorized to consent to such autopsy shall be the next in the order of priority hereinabove defined.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect Ninety Day from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 15th day of February, 1963.

Governor