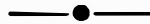


WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 110

(By Mr. Brotherton)



PASSED Feb 11 1963

In Effect NINETY Days from Passage



Filed in Office of the Secretary of State
of West Virginia 2-18-63

JOE F. BURDETT
SECRETARY OF STATE

#110

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****2 Interest of Medical Science; Who May Perform; Written****3 Consent Required; Who May Give Consent.—In case of****4 the death of any person in the state of West Virginia,****5 the attending physician, or if there be none, any physi-****6 cian, if he deems it advisable in the interest of medical****7 science, may perform or cause to be performed an****8 autopsy on the body of such deceased person without****9 liability therefor, provided consent to such autopsy, in****10 writing, is first obtained from (1) the surviving spouse****11 of deceased; (2) if there be no surviving spouse, then****12 any child of deceased over the age of twenty-one years:****13 *Provided*, That the child's permission shall not be valid,****14 if any other child of the deceased over the age of twenty-****15 one years objects prior to said autopsy and said objection****16 shall be made known in writing to the physician who is to****17 perform the autopsy. (3) if there be no surviving spouse,****18 nor any child of deceased over the age of twenty-one****19 years, then the mother or father of deceased; (4) if there**

20 be no surviving spouse, nor any child over the age of
21 twenty-one years, nor mother or father, then the duly
22 appointed and acting fiduciary of the estate of the de-
23 ceased; or (5) if there be no surviving spouse, nor any
24 child over the age of twenty-one years, nor mother or
25 father, nor duly appointed and acting fiduciary of the
26 estate of deceased, then the person, firm, corporation or
27 agency legally responsible for the financial obligation in-
28 curred in disposing of the body of deceased.

29 In the event the spouse, child or parent of deceased
30 be mentally incompetent then the person authorized to
31 consent to such autopsy shall be the next in the order
32 of priority hereinabove defined.

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

O. Roy Parker
Chairman Senate Committee

Arthur S. Crandall
Chairman House Committee

Originated in the House.

Takes effect Ninety Days from passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard E. Warren
President of the Senate

Julius W. Singleton
Speaker House of Delegates

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

Wm. M. Barron
Governor

