

No. 56

APPROVED AND SIGNED BY THE GOVERNOR

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Date 3-27-83

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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

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ENROLLED

SENATE BILL NO. 56

(By Mr. Davis)

—•—

PASSED March 12, 1983

In Effect ninety days from Passage



ENROLLED

Senate Bill No. 56

(BY MR. DAVIS)

[Passed March 12, 1983; in effect ninety days from passage.]

AN ACT to amend article nineteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-a, relating to authorizing the chief medical examiner or other authorized personnel to provide corneas from the body of a deceased person under his jurisdiction to the medical eye bank of West Virginia under certain conditions and providing for immunity from civil liability in certain instances.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 19. UNIFORM ANATOMICAL GIFT ACT.

§16-19-3a. Recovery of corneas; conditions; liability of medical examiner.

1 (a) In any case where a patient is in need of corneal
2 tissue for a transplant, the chief medical examiner,
3 assistant medical examiner, regional pathologist or any
4 other person designated to perform an autopsy in accord-
5 ance with article twelve, chapter sixty-one of this code,
6 may provide a cornea for transplant, under rules, regu-
7 lations and procedures established by the chief medical
8 examiner, upon the request of the medical eye bank of

9 West Virginia, incorporated, under the following condi-
10 tions:

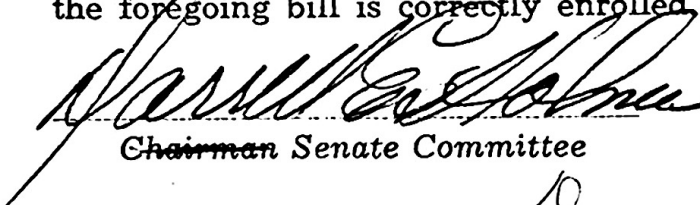
11 (1) The body of the decedent having a suitable cornea
12 for the transplant is under the jurisdiction of the chief
13 medical examiner and an autopsy is required, in accord-
14 ance with article twelve, chapter sixty-one of this code;

15 (2) The decedent's next of kin makes no objections; and

16 (3) Transplanting of the cornea will not interfere with
17 the course of any subsequent investigation or autopsy or
18 alter the postmortem facial appearance.

19 (b) Neither the chief medical examiner, any assistant
20 medical examiner, regional pathologist nor any other per-
21 son designated to perform an autopsy in accordance with
22 section ten, article twelve, chapter sixty-one of this code
23 and who provides a cornea in accordance with the pro-
24 visions of this section, nor the medical eye bank of West
25 Virginia, incorporated, shall be liable for any civil dam-
26 ages if the decedent's next of kin subsequently contends
27 that his authorization was required.

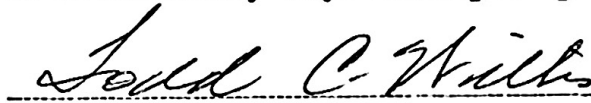
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.



Chairman Senate Committee


Chairman House Committee

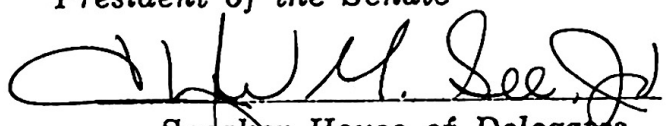
Originated in the Senate.

In effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 27
day of March, 1983.


Governor

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