WEST VIRGINIA LEGISLATURE
EIGHTIETH LEGISLATURE
REGULAR SESSION, 2011

ENROLLED

Senate Bill No. 184

(By Senators Wells, D. Facemire, Williams, Yost, Sypolt, Jenkins, Unger, Plymale, Hall, Laird, Minard and Klempa)

[Passed February 4, 2011; in effect ninety days from passage.]
ENROLLED

Senate Bill No. 184

(BY SENATORS WELLS, D. FACEMIRE, WILLIAMS, YOST, SYPOLT, JENKINS, UNGER, PLYMALE, HALL, LAIRD, MINARD AND KLEMPA)

[Passed February 4, 2011; in effect ninety days from passage.]

AN ACT to amend and reenact §30-6-22 of the Code of West Virginia, 1931, as amended, relating to disposition of the remains of a deceased military service member who dies while serving in the United States armed forces.

Be it enacted by the Legislature of West Virginia:

That §30-6-22 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 6. BOARD OF FUNERAL SERVICE EXAMINERS.

§30-6-22. Disposition of body of deceased person; penalty.

1 (a) No public officer, employee, physician or surgeon, or other person having a professional relationship with the deceased, shall send or cause to be sent to an embalmer, funeral director or crematory operator the body of a deceased without first inquiring the desires of the next of kin or any person who may be chargeable with the funeral expenses of the deceased. If next of kin or person can be found, his or her authority and direction shall be used as to the disposal of the body of the deceased. The provisions of this subsection are not applicable if the remains of the
decendent are subject to disposition pursuant to subsection (b) of this section.

(b) Notwithstanding any provision of this code to the contrary, a United States Department of Defense Record of Emergency Data Form (DD Form 93) executed by a declarant who dies while serving in a branch of the United States Military as defined in 10 U.S.C. §1481 constitutes a valid form of declaration instrument and governs the disposition of the declarant's remains. The person named in the form as the person authorized to direct disposition of the remains may arrange for the final disposition of the declarant's last remains.

(c) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $500 nor more than $1,000, or imprisoned not less than ten days nor more than ninety days, or both.
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

Acting President of the Senate

Speaker of the House of Delegates

The within is approved this the 1st Day of December, 2011.

Governor
PRESENTED TO THE GOVERNOR

FEB 3 2011

Time 2:25