

1 **ENROLLED**

2 **Senate Bill No. 184**

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

5 _____
6 [Passed February 4, 2011; in effect ninety days from passage.]
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8
9 AN ACT to amend and reenact §30-6-22 of the Code of West Virginia,
10 1931, as amended, relating to disposition of the remains of a
11 deceased military service member who dies while serving in the
12 United States armed forces.

13 *Be it enacted by the Legislature of West Virginia:*

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

16 **ARTICLE 6. BOARD OF FUNERAL SERVICE EXAMINERS.**

17 **§30-6-22. Disposition of body of deceased person; penalty.**

18 (a) No public officer, employee, physician or surgeon, or
19 other person having a professional relationship with the deceased,
20 shall send or cause to be sent to an embalmer, funeral director or
21 crematory operator the body of a deceased without first inquiring
22 the desires of the next of kin or any person who may be chargeable
23 with the funeral expenses of the deceased. If next of kin or
24 person can be found, his or her authority and direction shall be

1 used as to the disposal of the body of the deceased. The
2 provisions of this subsection are not applicable if the remains of
3 the decedent are subject to disposition pursuant to subsection (b)
4 of this section.

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

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