

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 671

BY SENATOR MANN

[Introduced March 20, 2017; Referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §18B-4-8 of the Code of West Virginia, 1931, as amended, relating
 2 to the West Virginia Anatomical Board; defining "board" to include the board of directors
 3 of West Virginia Anatomical Board; providing that the board members consist of the deans
 4 of the Marshall University School of Medicine, the West Virginia School of Osteopathic
 5 Medicine, the West Virginia University School of Medicine and the West Virginia University
 6 School of Dentistry; clarifying that the board is being reestablished and continued under
 7 the authority of the commission and is subject to the commission's rule-making authority;
 8 clarifying that the title "commission" is referring to the Higher Education Policy
 9 Commission; removing requirement that all dead human bodies that are buried at the
 10 public's expense to be delivered to the board; removing the penalties and bond
 11 requirements incurred with failing to deliver said bodies to the board; clarifying that the
 12 board is able to receive and refuse dead human bodies for educational uses and purposes
 13 of higher education institutions at the board's discretion; clarifying that members of the
 14 board are not to receive any compensation for services rendered in their capacity; and
 15 clarifying that the board shall operate consistent with the Anatomical Gift Act.

Be it enacted by the Legislature of West Virginia:

1 That §18B-4-8 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 4. GENERAL ADMINISTRATION.

**§18B-4-8. West Virginia anatomical board; powers and duties relating to anatomical gifts;
 requisition of bodies; autopsies; transportation of bodies; expenses of
 preservation; ~~bond required; offenses and penalties.~~**

1 ~~(a) There is hereby established the "West Virginia anatomical board" which consists of the~~
 2 ~~following four members: (1) The dean of the school of dentistry, West Virginia University; (2) the~~
 3 ~~chairperson of the department of anatomy, West Virginia University; (3) the chairperson of the~~
 4 ~~department of anatomy, school of medicine, Marshall university; and (4) the dean of the school of~~

5 ~~medicine, West Virginia school of osteopathic medicine.~~

6 ~~(b) The board shall have authority to appoint such officers, employees and agents as may~~
7 ~~be necessary to carry out the purposes for which the board is organized. It shall keep a full and~~
8 ~~complete record of its transactions, showing, among other things, every dead human body coming~~
9 ~~under its authority, giving name, sex, age, date of death, place from which received and when~~
10 ~~and from whom received, which record shall be open at all times to the inspection of the Attorney~~
11 ~~General and any prosecuting attorney in the state.~~

12 ~~(c) The board shall be responsible for making requisition for, receiving and making~~
13 ~~disposition of the dead human bodies for the scientific uses and purposes of reputable education~~
14 ~~institutions, within the state and elsewhere, having medical, osteopathy, dentistry or nursing~~
15 ~~schools. The board shall have full power to establish rules for its own government and for the~~
16 ~~requisition, use, disposition and control of such bodies as may come under its authority by way of~~
17 ~~gift, pursuant to this section or pursuant to section four, article nineteen, chapter sixteen of this~~
18 ~~code.~~

19 ~~(d) All dead human bodies which may come under the charge or control of any mortician,~~
20 ~~any officer or agent of the department of welfare or of any county commission or municipality, or~~
21 ~~any superintendent, officer or agent having the supervision of any prison, morgue, hospital or~~
22 ~~other public institution in this state and which may be required to be buried at public expense,~~
23 ~~shall be subject to the requisition of the board as provided in this section. No such body shall be~~
24 ~~delivered to the board if any person related to the deceased by blood or marriage shall make a~~
25 ~~statement in writing to that effect and shall claim such body for burial or shall make affidavit that~~
26 ~~the relative is unable to bear the expense of burial and desires that the deceased be buried at~~
27 ~~public expense. This statement and affidavit may be filed by any such relative with the person~~
28 ~~having charge and control of the body of the person so claimed, either before or after the death~~
29 ~~of such person.~~

30 ~~(e) No autopsy shall be performed on any unclaimed body without the written permission~~

31 of the board, except upon the proper order of a duly authorized law enforcement officer.

32 (f) ~~It shall be the duty of any person who has charge or control of any unclaimed body,~~
33 ~~subject to requisition by the board, to give notice to the board of that fact by telephone or telegraph~~
34 ~~within twenty-four hours after such body comes under that person's control. Thereafter, such~~
35 ~~person shall hold the body subject to the order of the board for at least twenty-four hours after the~~
36 ~~sending of such notice. If the board makes requisition for the body within the twenty-four hour~~
37 ~~period, it shall be delivered, pursuant to the order of the board, to the board or its authorized agent~~
38 ~~for transportation to any education institution which the board considers to be in bona fide need~~
39 ~~of the body and able to adequately control, use and dispose of the body. The board shall make~~
40 ~~suitable arrangements for the transportation of any body, or part or parts of any body, which may~~
41 ~~come under its authority to the education institution. All expenses incurred in connection with the~~
42 ~~preservation, delivery and transportation of any body delivered pursuant to the order of the board~~
43 ~~shall be paid by the education institution receiving the body.~~

44 (g) ~~No dead body shall be received or requisitioned by the board until the members of the~~
45 ~~board have filed a bond with the clerk of the circuit court of Kanawha County in a penalty of~~
46 ~~\$1,000, with good security, signed by a responsible person or persons, or by some surety~~
47 ~~company authorized to do business in this state, or have proved to the clerk that they are covered~~
48 ~~by a suitable bond in at least that amount, conditioned for the faithful performance of their duties.~~

49 (h) ~~Any person who shall neglect, refuse or fail to perform any duty required by this section~~
50 ~~relating to the board shall be guilty of a misdemeanor and, upon conviction thereof, shall be~~
51 ~~punished by a fine of not more than \$100 or by imprisonment in the county or regional jail for not~~
52 ~~more than ten days or by both such fine and imprisonment. Any person who fails to give the~~
53 ~~required notice that that person has charge of an unclaimed body subject to requisition by the~~
54 ~~board shall also be personally liable for all burial expenses, if such body was buried at public~~
55 ~~expense, to the public agency that paid for the burial.~~

56 (a) For purposes of this article:

57 (1) "Board" means the Board of Directors of the West Virginia Anatomical Board; and

58 (2) "Commission" means the West Virginia Higher Education Policy Commission.

59 (b) The board is hereby reestablished and continued under the authority of the
60 commission, and shall be subject to the commission's rulemaking authority pursuant to article
61 three-a, chapter twenty nine-a of this code.

62 (c) The purposes of the board include, but are not limited to, the following:

63 (1) Making requisition for, receiving and making disposition of dead human bodies for the
64 scientific and educational uses and purposes of higher education institutions within the state and
65 elsewhere.

66 (2) Keeping a full and complete record of its transactions, showing, among other things,
67 every dead human body coming under its authority, giving name, sex, age, date of death, place
68 from which received and when and from whom received, which record shall be open at all times
69 to the inspection of the Attorney General and any prosecuting attorney in the state.

70 (d) The board consists of the following four members:

71 (1) The Dean, Marshall University, School of Medicine;

72 (2) The Dean, West Virginia School of Osteopathic Medicine;

73 (3) The Dean, West Virginia University, School of Medicine; and

74 (4) The Dean, West Virginia University, School of Dentistry;

75 (e) Members of the board may be represented by a designee from their respective
76 institution with right of proxy.

77 (f) Members of the board shall not be entitled to, or receive, any compensation for services
78 rendered in their capacity as members of the Anatomical Board.

79 (g) The board shall operate consistent with the Anatomical Gift Act pursuant to article
80 nineteen, chapter sixteen of this code.

NOTE: The purpose of this bill is to reestablish the West Virginia Anatomical Board.

Strike-throughs indicate language that would be stricken from a heading or the present law

and underscoring indicates new language that would be added.