WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4431

By Delegates Summers, Tully, Rohrbach and Griffith

[Introduced January 10, 2024; Referred
to the Committee on Health and Human Resources ]

A BILL to amend and reenact §61-12-15 of the Code of West Virginia, 1931, as amended, all relating to the Office of the Chief Medical Examiner; and permitting the cremation of unidentified remains.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. POSTMORTEM EXAMINATIONS.

§61-12-15. Disposition of unidentified and unclaimed remains.

(a) The Office of the Chief Medical Examiner shall cremate unclaimed ~~human remains~~ and ~~shall bury~~ unidentified human remains from its facilities.

(b) The Office of the Chief Medical Examiner, with the assistance of the city of Charleston, shall locate an appropriate cemetery.

(c) Unidentified remains shall be ~~buried~~ cremated after ~~6 months~~ 30 days and after efforts to identify the person and his or her next of kin have been exhausted by the Office of Chief Medical Examiner. In the event the death is determined to be the result of a crime, physical evidence shall be collected from the decedent's body prior to any burial. The Office of the Chief Medical Examiner shall follow its internal policy, as developed by the Chief Medical Examiner, regarding the disposition of unidentified remains.

(d) ~~Any~~ Identified but unclaimed remains shall be cremated after 30 days has passed and after efforts to contact the decedent's next of kin have been exhausted, as determined by the Office of the Chief Medical Examiner, and placed in a cemetery in a manner that the remains may be easily retrieved by the Office of the Chief Medical Examiner in the event the decedent's next of kin wishes to claim the remains. The Office of the Chief Medical Examiner shall follow its internal policy, as developed by the Chief Medical Examiner, regarding the disposition of unclaimed remains.

(e) The chief medical examiner, or his or her designee, may enter onto the premises of the cemetery and cause to be removed from the cemetery any decedent who has been identified and claimed by his or her next of kin upon the next of kin providing proper documentation.

(f) No person may file any cause of action against the Office of the Medical Examiner or against any medical examiner acting in his or her capacity as a medical examiner for any liability or damages relating to ~~burial,~~ cremation~~,~~ or other disposition of a decedent's remains, consistent with the provisions of this section, prior to a person claiming a decedent.

NOTE: The purpose of this bill is to update the authority of the Chief Medical Examiner to permit cremation of unidentified remains.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.