

# **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 ]

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

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

**ARTICLE 12. POSTMORTEM EXAMINATIONS.**

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

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

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

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

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

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

21 (f) No person may file any cause of action against the Office of the Medical Examiner or  
22 against any medical examiner acting in his or her capacity as a medical examiner for any liability or  
23 damages relating to ~~burial~~, cremation, or other disposition of a decedent's remains, consistent with  
24 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.