

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 4431

By Delegates Summers, Tully, Rohrbach and Griffith

[Originating in the Committee on Health and Human

Resources; January 17, 2024]

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 as determined by the Office
7 of Chief Medical Examiner. Any data helpful toward possible future identification of the unidentified
8 remains shall be preserved within the database. In the event the death is determined to be the
9 result of a crime, physical evidence shall be collected from the decedent's body prior to any ~~burial~~
10 disposition.

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.

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

19 (f) ~~No~~ A person may not file any cause of action against the Office of the Medical Examiner
20 or against any medical examiner acting in his or her capacity as a medical examiner for any liability

- 21 or damages relating to ~~burial~~, cremation or other disposition of a decedent's remains, consistent
22 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.