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2011 MAR -1 PM 4:16

WEST VIRGINIA LEGISLATURE

WEST VIRGINIA
SECRETARY OF STATE

EIGHTIETH LEGISLATURE

REGULAR SESSION, 2011

—●—
ENROLLED

Senate Bill No. 184

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

[PASSED FEBRUARY 4, 2011; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB 184

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C. J. WELLS
SECRETARY OF STATE

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Senate Bill No. 184

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

[Passed February 4, 2011; in effect ninety days from passage.]

AN ACT to amend and reenact §30-6-22 of the Code of West Virginia, 1931, as amended, relating to disposition of the remains of a deceased military service member who dies while serving in the United States armed forces.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 6. BOARD OF FUNERAL SERVICE EXAMINERS.

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

- 1 (a) No public officer, employee, physician or surgeon, or
- 2 other person having a professional relationship with the
- 3 deceased, shall send or cause to be sent to an embalmer,
- 4 funeral director or crematory operator the body of a de-
- 5 ceased without first inquiring the desires of the next of kin
- 6 or any person who may be chargeable with the funeral
- 7 expenses of the deceased. If next of kin or person can be
- 8 found, his or her authority and direction shall be used as to
- 9 the disposal of the body of the deceased. The provisions of
- 10 this subsection are not applicable if the remains of the

11 decedent are subject to disposition pursuant to subsection (b)
12 of this section.

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

23 (c) A person who violates the provisions of this section is
24 guilty of a misdemeanor and, upon conviction thereof, shall
25 be fined not less than \$500 nor more than \$1,000, or impris-
26 oned not less than ten days nor more than ninety days, or
27 both.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Tom A. Musk
.....
Chairman Senate Committee

John C. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Daniel E. Holmes
.....
Clerk of the Senate

Gregory M. Smith
.....
Clerk of the House of Delegates

Jeffrey V. K...
.....
Acting President of the Senate

John B. ...
.....
Speaker of the House of Delegates

The within *is appended* this the *18th*
Day of *April*, 2011.

Earl Ray Tomblin
.....
Governor



PRESENTED TO THE GOVERNOR

FEB 23 2011

Time 2:25 p