

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

1

HOUSE BILL 513

Short Title: Disposition of Unclaimed Bodies.

(Public)

Sponsors: Representative Cromer.

Referred to: Human Resources.

March 9, 1989

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE DISPOSITION OF UNCLAIMED BODIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-415 reads as rewritten:

"§ 130A-415. Unclaimed bodies; disposition.

(a) ~~All~~ Any person, including officers, employees and agents of the State or of any unit of local government in the State; State, all undertakers doing business within the State; State, hospitals, nursing homes or other institutions, or any person having charge or control of an unclaimed having physical possession of a dead body shall immediately notify and, upon the request of the Commission of Anatomy, deliver the dead body to the Commission of Anatomy. make reasonable efforts to contact relatives of the deceased or other persons who may wish to claim the body for final disposition. If the body remains unclaimed for final disposition for 10 days, the person having possession shall notify the Commission of Anatomy. Upon request of the Commission of Anatomy, the person having possession shall deliver the dead body to the Commission of Anatomy at a time and place specified by the Commission of Anatomy or shall permit the Commission of Anatomy to take and remove the body. The Commission of Anatomy may take and remove the dead body. No reward or fee shall be paid for notifying the Commission of Anatomy. The person having charge or control of an unclaimed body shall make reasonable efforts to notify any interested person of the decedent's death. The recipient to which the Commission of Anatomy delivers the body shall pay all expenses for the embalming and delivery of the body, and for the reasonable efforts made to notify the persons.

(b) For the purposes of this Part, an unclaimed body means a dead body which is not claimed for final disposition and which, as determined by the person having charge or control of the dead body, probably will not be claimed for final disposition within 10

1 days of the deceased's death. The unclaimed body shall remain in the charge or control  
2 of the person for a period of 10 days unless the period is shortened by the county  
3 director of social services upon determination that the dead body will not be claimed for  
4 final disposition within 10 days of the decedent's death. Upon expiration of the period,  
5 the person having charge or control of the unclaimed body will deliver it to the  
6 Commission of Anatomy at a time and place specified by the Commission of Anatomy  
7 or permit the Commission of Anatomy to take and remove the body. All dead bodies not  
8 claimed for final disposition within 10 days of the decedent's death may be received and  
9 delivered by the Commission of Anatomy pursuant to the authority contained in G.S.  
10 143B-204 and this Part and in accordance with the rules of the Commission of  
11 Anatomy. Upon receipt of a body by the Commission of Anatomy all interests in and  
12 rights to the unclaimed dead body shall vest in the Commission of Anatomy. The  
13 recipient to which the Commission of Anatomy delivers the body shall pay all expenses  
14 for the embalming and delivery of the body, and for the reasonable expenses arising  
15 from efforts to notify relatives or others.

16 (c) ~~All dead bodies not claimed for final disposition within 10 days of the~~  
17 ~~decedent's death may be received and delivered by the Commission of Anatomy~~  
18 ~~pursuant to the authority contained in G.S. 143B-204 and this Part and in accordance~~  
19 ~~with its rules. All interests in and rights to dead bodies unclaimed for final disposition~~  
20 ~~within 10 days of the decedent's death and received by the Commission of Anatomy~~  
21 ~~shall vest in the Commission of Anatomy. Should the Commission of Anatomy decline~~  
22 ~~to receive a dead body, the person with possession shall inform the director of social~~  
23 ~~services of the county in which the body is located. The director of social services of~~  
24 ~~that county shall arrange for prompt final disposition of the body. Reasonable costs of~~  
25 ~~disposition and of efforts made to notify relatives and others shall be considered funeral~~  
26 ~~expenses and shall be paid in accordance with G.S. 28A-19-6 and G.S. 28A-19-8. If~~  
27 ~~those expenses cannot be satisfied from the decedent's estate, they shall be borne by the~~  
28 ~~decedent's county of residence. If the deceased is not a resident of this State, or if the~~  
29 ~~county of residence is unknown, those expenses shall be borne by the county in which~~  
30 ~~the death occurred.~~

31 (d) No autopsy shall be performed on an unclaimed body without the written consent  
32 of the Commission of Anatomy except that written consent is not required for an  
33 autopsy performed pursuant to Part 2 of this Article.

34 (e) Due caution shall be taken to shield the unclaimed body from public view.

35 (f) Notwithstanding anything contained in this section, an unclaimed body shall  
36 not mean a dead body for which the deceased has made a gift pursuant to Part 3 of this  
37 Article.

38 (g) Nothing in this Part shall require the officers, employees or agents of a county  
39 to notify the Commission of Anatomy regarding the bodies of minors who were in the  
40 custody of the county at the time of death and whose final disposition will be arranged  
41 by the county. In the absence of notification, the expenses of the final disposition shall  
42 be a charge upon the county having custody.

43 (h) The provisions of this Part shall not apply to bodies within the jurisdiction of  
44 the medical examiner under G.S. 130A-383 or 130A-384.

1       (i)     In addition to the other duties of the Commission of Anatomy, when the  
2 Commission of Anatomy is notified by the Lifeguardianship Council of the Association  
3 of Retarded Citizens of North Carolina, Inc., that the Council intends to claim a body,  
4 the Commission shall release the body to the Council. The Lifeguardianship Council  
5 shall notify the Commission of Anatomy within 24 hours after death of its intent to  
6 claim a body for burial or other humane and caring disposition."

7             Sec. 2. This act shall become effective October 1, 1989, and applies to deaths  
8 occurring on or after that date.