

**DISTRICT OF COLUMBIA
OFFICIAL CODE**

**TITLE 3.
DISTRICT OF COLUMBIA BOARDS AND
COMMISSIONS.**

**CHAPTER 2.
ANATOMICAL BOARD.**

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 2. ANATOMICAL BOARD.

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CHAPTER 2. ANATOMICAL BOARD.

§ 3-201. ANATOMICAL BOARD CREATED; PURPOSE; COMPOSITION; BYLAWS; OFFICERS AND AGENTS; RECORDS.

There shall be, and is hereby created, in and for the District of Columbia, a board for the control of the dead human bodies hereinafter described, and for the distribution of such bodies among and to the schools in said District conferring the degree of doctor of medicine, doctor of dental surgery, or associate in applied science in mortuary science; the Post Graduate School of Medicine, incorporated by an Act of Congress, approved February 7, 1896, entitled "An Act to incorporate the Post Graduate School of Medicine of the District of Columbia"; the medical schools of the United States Army, Air Force, and Navy; the medical examining boards of the United States Army, Air Force, Navy, and Public Health Service; and the Commission on Licensure for the Practice of the Healing Arts. Said board shall be known as the "Anatomical Board of the District of Columbia," and shall consist of the Director of the Department of Human Services of said District and 2 representatives from each school aforesaid actually engaged in teaching, to be selected by and from the faculty thereof in accordance with the bylaws of such faculty, except in the case of the medical schools of the United States Army, Air Force, and Navy, the representatives from which shall be selected and detailed by the Surgeon General of the Army, the Surgeon General of the Air Force, and the Surgeon General of the Navy. Said Anatomical Board shall have full power to establish bylaws for its government and to appoint and to remove proper officers and agents, and shall keep full and complete records of its transactions and of all material facts pertaining to the receipt and distribution of bodies. Said records shall be open at all times for inspection by any member of said Anatomical Board and by the United States Attorney for the District of Columbia.

(Apr. 29, 1902, 32 Stat. 173, ch. 638, § 1; Aug. 14, 1912, 37 Stat. 309, ch. 288; Feb. 27, 1929, 45 Stat. 1326, ch. 352; Aug. 1, 1950, 64 Stat. 393, ch. 513, § 1; Mar. 10, 1983, D.C. Law 4-199, § 8(a), 30 DCR 119.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-1401.

1973 Ed., § 2-201.

Legislative History of Laws

Law 4-199, the "Christmas Tree Act of 1982," was introduced in Council and assigned Bill No. 4-427, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 16, 1982, and December 14, 1982, respectively. Signed by the Mayor on December 28, 1982, it was assigned Act No. 4-283 and transmitted to both Houses of Congress for its review.

Transfer of Functions

All functions of the Public Health Service and of all officers and employees thereof and all functions of all agencies of or in the Public Health Service were transferred to Secretary of Health, Education, and Welfare by 1966 Reorganization Plan No. 3, 80 Stat. 1610. The functions of the Department of Health, Education, and Welfare were transferred to the Department of Health and Human Services by the Act of October 17, 1979, 93 Stat. 675, Pub. L. 96-88, § 509.

The functions of the Department of Licenses, Investigations and Inspections were transferred to the Director of the Department of Consumer and Regulatory Affairs by Reorganization Plan No. 1 of 1983, effective March 31, 1983.

Miscellaneous Notes

Commission on Licensure to Practice the Healing Art abolished: The Commission on Licensure to Practice the Healing Art in the District of Columbia was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. The functions were delegated to the Department of Occupations and Professions by Reorganization Order No. 59, dated June 30, 1953. Section 402(34) of Reorganization Plan No. 3 of 1967 transferred the regulatory and other functions of the Board of Commissioners under this section, insofar as they relate to making and altering rules and altering and adopting a common seal, to the District of Columbia Council, subject to the right of the

Commissioner as provided by § 406 of the Plan. Section 401 of the Plan transferred all other functions of the Board of Commissioners under this section to the Commissioner of the District of Columbia. The functions delegated to the Department of Occupations and Professions were subsequently transferred to the Director of the Department of Economic Development by Commissioner's Order No. 69-96, dated March 7, 1969. The Department of Economic Development was replaced by Mayor's Order 78-42, dated February 17, 1978, which Order established the Department of Licenses, Investigation and Inspections.

Anatomical Board abolished: The Anatomical Board was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952.

Reorganization Order No. 57 of the Board of Commissioners, dated June 30, 1953, established, under the direction and control of a Commissioner, a Department of Public Health headed by a Director, and reestablished the Anatomical Board under the direction and control of the Director of Public Health.

Reorganization Order No. 57 was combined with Reorganization Order No. 52 and redesignated Organization Order No. 141, dated February 11, 1964. The executive functions of the Board of Commissioners were transferred to the Commissioner of the District of Columbia by § 401 of Reorganization Plan No. 3 of 1967. Functions of the Department of Public Health under Organization Order No. 141 were transferred to the Department of Human Resources by Commissioner's Order No. 69-96. The Department of Public Health was replaced by Commissioner's Order No. 70-83, dated March 6, 1970, which Order established the Department of Human Resources. The Department of Human Resources was replaced by Reorganization Plan No. 2 of 1979, dated February 21, 1980, which established the Department of Human Services.

§ 3-202. DEAD BODIES FOR BURIAL AT PUBLIC EXPENSE TO BE REPORTED TO BOARD; REMOVAL; EXCEPTIONS.

Every public officer, agent, and servant, and every officer, agent, and servant of any and every almshouse, prison, jail, asylum, morgue, hospital, and other public institutions and offices having charge or control of dead human bodies requiring to be buried at public expense, shall notify said Anatomical Board, or such person as may be designated by the said Board, whenever any dead human body comes into his possession, charge, or control for burial at public expense. And every such officer, agent, and servant shall, upon application by said Anatomical Board or its agent, without fee or reward, and complying with the laws and regulations governing the removal of dead human bodies in the District of Columbia, deliver every such body to said Board and permit said Board or its agent to take and remove the same. The notice aforesaid shall be given in writing and forwarded to said Anatomical Board within 24 hours after said officer, agent, or servant comes into possession, charge, or control of such body for burial, and shall include such material information as said Board may designate. But no such body shall be delivered if the deceased person, during his last illness, without suggestion or solicitation, requested to be buried or cremated; or if within the time specified above and before the actual delivery thereof any person claiming to be and satisfying the officer in charge of such body that he is of kindred or is related by marriage or domestic partnership, as that term is defined in § 32-701(4), to the deceased shall claim the said body for burial or cremation, or request in writing that it be buried at public expense; or if within the time specified above and before actual delivery any person claiming to be and satisfying the officer in charge of said body that he is a friend of the deceased arranges to have the same properly buried or cremated without expense to the District; or if the deceased person was a traveler who died suddenly; but in any such case said body shall be buried or delivered to said applicant for burial.

(Apr. 29, 1902, 32 Stat. 173, ch. 638, § 2; Sept. 12, 2008, D.C. Law 17-231, § 8, 55 DCR 6758.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-1402.

1973 Ed., § 2-202.

Effect of Amendments

D.C. Law 17-231 substituted "marriage or domestic partnership, as that term is defined in § 32-701(4)," for "marriage".

Legislative History of Laws

Law 17-231, the "Omnibus Domestic Partnership Equality Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-135, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 1, 2008, and May 6, 2008, respectively. Signed by the Mayor on June 6, 2008, it was assigned Act No. 17-403 and transmitted to both Houses of Congress for its review. D.C. Law 17-231 became effective on September 12, 2008.

Miscellaneous Notes

Anatomical Board abolished: See note to § 3-201.

§ 3-203. RECEIPT OF BODIES; DISTRIBUTION; NOTICE.

The said Anatomical Board may receive the bodies reported to it as aforesaid, and may distribute and deliver such as are received among and to such of the schools and boards entitled thereto as request in writing to receive the same, except as otherwise expressly directed in this chapter. Each such school and board shall receive annually, as nearly as may be practicable, such proportion of the entire number of bodies distributed as the number of students enrolled and in regular attendance at such school, and the number of candidates appearing for examination before such board, respectively, engaged bona fide at such school, or examined by said board in dissecting, and operative surgery on the cadaver, bears to the total number of students so enrolled in attendance, and engaged, and of persons so examined, in the District of Columbia. The secretary, dean, or other proper officer of each such school and board shall report to said Anatomical Board the names of all such students in attendance at such school or persons examined by said board, as the case may be, at such times and in such form as said Board may direct. All bodies shall be delivered among such schools and boards in regular order so as to maintain, as nearly as may be practicable, an equitable allotment at all times; and bodies assigned to any school or board in regular order and refused by such school or board without sufficient cause shall be charged against the quota of such school or board in such manner as not to prejudice any other school or board. But no body shall be delivered to any school or board unless within not less than 24 hours prior to such delivery notice of the death has been given by said Anatomical Board to the nearest known kinsman, relative by marriage, or friend of the deceased, or if none such be known, published by said Anatomical Board at least once in a daily newspaper published in the City of Washington, District of Columbia. The notice required by this section shall be deemed to have been given if served in writing on the person to be notified, or if left at his usual place of residence with some adult person residing therein, or a member of the family of such person. Said Board shall take receipts by name, or, if the name be unknown, by a description, for each body delivered; all receipts so obtained by said Board shall be properly filed by it.

(Apr. 29, 1902, 32 Stat. 174, ch. 638, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-1403.

1973 Ed., § 2-203.

Miscellaneous Notes

Anatomical Board abolished: See note to § 3-201.

§ 3-204. BOND FURNISHED BY SCHOOL RECEIVING BODIES.

No school except the medical schools of the United States Army, Air Force, and Navy shall receive any body under the provisions of this chapter until said school has given bond to the District of Columbia, and the Mayor of the District of Columbia has approved such bond, which said bond shall be in the penal sum of \$200 and conditioned that all bodies which said school shall receive shall be used in said District and only for the promotion of the medical, dental, or mortuary sciences.

(Apr. 29, 1902, 32 Stat. 174, ch. 638, § 4; Mar. 10, 1983, D.C. Law 4-199, § 8(b), 30 DCR 119.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-1404.

1973 Ed., § 2-204.

Legislative History of Laws

For legislative history of D.C. Law 4-199, see Historical and Statutory Notes following § 3-201.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia,

respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 3-205. BODIES TO BE USED IN DISTRICT; DUTY OF PERSONS RECEIVING BODIES; DISPOSAL OF REMAINS.

It shall be the duty of each and every officer, agent, and employee of every school and board receiving bodies under the provisions of this chapter to see that such bodies are used in the District of Columbia and for the promotion of the medical, dental, or mortuary sciences, and for no other purpose whatsoever, and that after being so used the remains thereof are disposed of in accordance with law.

(Apr. 29, 1902, 32 Stat. 174, ch. 638, § 5; Mar. 10, 1983, D.C. Law 4-199, § 8(c), 30 DCR 119.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-1405.

1973 Ed., § 2-205.

Legislative History of Laws

For legislative history of D.C. Law 4-199, see Historical and Statutory Notes following § 3-201.

§ 3-206. UNLAWFUL ACTS.

Any person who shall, in the District of Columbia, sell or buy any body aforesaid, or in any way traffic therewith, or transmit or convey any such body to any place outside of said District, or cause or procure any such body to be so transmitted or conveyed, or who shall, in said District, disturb or remove, without legal permit, any body from any grave or vault, shall, on conviction thereof, be fined not more than \$200 or imprisoned in the Workhouse of said District for not more than 1 year.

(Apr. 29, 1902, 32 Stat. 175, ch. 638, § 6.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-1406.

1973 Ed., § 2-206.

§ 3-207. BODIES TO BE DELIVERED AT EXPENSE OF RECEIVING INSTITUTIONS.

Neither the United States nor the District of Columbia, nor any officer, agent, or servant thereof, shall be at any expense by reason of the delivery of any body or bodies aforesaid, except such as may be properly chargeable on account of bodies delivered to the medical schools of the Army, Air Force, and Navy, the medical examining boards of the Army, the Air Force, the Navy, and the Public Health Service, and the Commission on Licensure to the Practice of the Healing Art; but all expenses of such delivery and distribution, except as hereinbefore specified, and of said Anatomical Board, shall be paid by the schools receiving such bodies, in such manner as may be specified by said board and by such school in proportion to the number of bodies which it has received; and no school which has failed or refused to pay its just proportion of such expense as determined by said board shall be allowed to receive any body or bodies, or parts thereof, while the amount so due remains unpaid.

(Apr. 29, 1902, 32 Stat. 175, ch. 638, § 7; Aug. 14, 1912, 37 Stat. 309, ch. 288; Feb. 27, 1929, 45 Stat. 1326, ch. 352.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-1407.

1973 Ed., § 2-207.

Transfer of Functions

All functions of the Public Health Service and of all officers and employees thereof and all functions of all agencies of or in the Public Health Service were transferred to Secretary of Health, Education, and Welfare by 1966 Reorganization Plan No. 3, 80 Stat. 1610. The functions of the Department of Health, Education, and

Welfare were transferred to the Department of Health and Human Services by the Act of October 17, 1979, 93 Stat. 675, Pub. L. 96-88, § 509.

The functions of the Department of Licenses, Investigations and Inspections were transferred to the Director of the Department of Consumer and Regulatory Affairs by Reorganization Plan No. 1 of 1983, effective March 31, 1983.

Miscellaneous Notes

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Anatomical Board abolished: See note to § 3-201.

§ 3-208. WILFUL NEGLIGENCE, REFUSAL, OR FAILURE TO PERFORM DUTIES.[REPEALED]

(Apr. 29, 1902, 32 Stat. 175, ch. 638, § 8; Apr. 29, 2004, D.C. Law 15-154, § 2, 50 DCR 10996.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-1408.

1973 Ed., § 2-208.

Legislative History of Laws

Law 15-154, the "Elimination of Outdated Crimes Amendment Act of 2003", was introduced in Council and assigned Bill No. 15-79, which was referred to Committee on the Judiciary. The Bill was adopted on first and second readings on October 7, 2003, and November 4, 2003, respectively. Signed by the Mayor on November 25, 2003, it was assigned Act No. 15-255 and transmitted to both Houses of Congress for its review. D.C. Law 15-154 became effective on April 29, 2004.

§ 3-209. PROSECUTIONS.

All prosecutions under this chapter shall be in the Superior Court of the District of Columbia, on information brought in the name of said District on its behalf.

(Apr. 29, 1902, 32 Stat. 175, ch. 638, § 9; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 78, Pub. L. 88-60, § 6; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-1409.

1973 Ed., § 2-209.