

4314.

BOARD OF EMBALMING EXAMINERS—UNAUTHORIZED TO CLAIM UNIDENTIFIED AND UNCLAIMED DEAD FOR EMBALMING SCHOOLS OR EXAMINATIONS.

SYLLABUS:

The State Board of Embalming Examiners of Ohio has no authority under Section 9984, General Code, to claim unidentified and unclaimed dead for embalming schools or for the examinations of the board.

COLUMBUS, OHIO, May 12, 1932.

The State Board of Embalming Examiners of Ohio, 6406 Franklin Blvd., Cleveland, Ohio.

DEAR SIRs:—This will acknowledge receipt of your recent request for my opinion, which reads:

“The State Board of Embalming Examiners of Ohio requests an opinion from your department with regard to Section 9984 of the General Code of Ohio.

The above numbered section pertains to giving the heads of medical schools and medical societies the right to claim bodies of the unidentified and unclaimed dead for educational purposes. At the time Section 9984 went into effect our embalming law and school requirements did not require the use of dead bodies for study, nor were they used by our board for examinations. However, at this time, it is necessary that the embalming schools secure anatomical material, also, it is necessary that we use, at our examinations, several dead bodies.

What our board is anxious to learn is whether we would have the power, under Section 9984, to claim unidentified and unclaimed dead for our embalming schools and for our examinations.”

Section 3495, General Code, which is pertinent to your inquiry, reads in part as follows:

“When the dead body of a person is found in a township or municipal corporation, and such person was not an inmate of a penal, reformatory, benevolent or charitable institution, in this state, and whose body is not claimed by any person for private interment at his own expense, or delivered for the purpose of medical or surgical study or dissection in accordance with the provisions of Section 9984, it shall be disposed of as follows: If he were a legal resident of the county, the proper officers of the township or corporation in which his body was found shall cause it to be buried at the expense of the township or corporation in which he had a legal residence at the time of his death; if he had a legal residence in any other county of the state at the time of his death, the infirmary superintendent of the county in which his dead body was found shall cause it to be buried at the expense of the township or corporation in which he had a legal residence at the time of his death, but if he had no legal residence in the state, or his legal residence is unknown, such

infirmary superintendent shall cause him to be buried at the expense of the county.

* * *

Section 9984, General Code, to which you refer, is as follows:

“Superintendents of city hospitals, directors or superintendents of city or county infirmaries, directors or superintendents of work-houses, directors or superintendents of asylums for the insane, or other charitable institutions founded and supported in whole or in part at public expense, the directors or warden of the penitentiary, township trustees, sheriffs, or coroners, in possession of bodies not claimed or identified, or which must be buried at the expense of the county or township, before burial, shall hold such bodies not less than thirty-six hours and notify the professor of anatomy in a college which by its charter is empowered to teach anatomy, or the president of a county medical society, of the fact that such bodies are being so held. Before or after burial such superintendent, director, or other officer, on the written application of the professor of anatomy, or the president of a county medical society shall deliver to such professor or president, for the purpose of medical or surgical study or dissection, the body of a person who died in either of such institutions, from any disease, not infectious, if it has not been requested for interment by any person at his own expense.”

From a consideration of the above sections it follows that under the well known maxim of statutory construction that “the mention of one is the exclusion of the other”, the bodies referred to in Section 9984, General Code, may only be distributed under the provisions of that section to the professor of anatomy in a college which by its charter is empowered to teach anatomy, or to the president of a county medical society.

In view of the foregoing and in specific answer to your inquiry, I am of the opinion that the State Board of Embalming Examiners of Ohio has no authority under Section 9984, General Code, to claim unidentified and unclaimed dead for embalming schools or for the examinations of the board.

Respectfully,

GILBERT BETTMAN,
Attorney General.

4315.

APPROVAL, BONDS OF LIBERTY TWP. RURAL SCHOOL DISTRICT,
TRUMBULL COUNTY, OHIO—\$3,000.00.

COLUMBUS, OHIO, May 12, 1932.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.