

DEAD BODIES:
ANATOMICAL BOARD:
STATE ANATOMICAL BOARD:

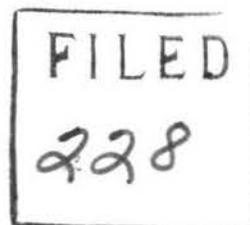
Only educational institutions that have a department of anatomy and in which human anatomy is investigated or taught to all students in

attendance at such institution or to all students in attendance at a school or department of such educational institution come within the provisions of Section 194.120, RSMo 1969, and are entitled to receive human cadavers from the State Anatomical Board. Penn Valley Community College is not entitled to receive human cadavers from the State Anatomical Board.

OPINION NO. 228

September 19, 1972

Mr. E. W. Lowrance, Secretary
Missouri State Anatomical Board
Department of Anatomy
University of Missouri Medical Center
Columbia, Missouri 65201



Dear Mr. Lowrance:

This is in response to your request for an opinion from this office as follows:

"Is Penn Valley Community College in Kansas City, Missouri an educational institution which can meet fully the requirements set forth in Sections 194.120 to 194.180, authorizing certain institutions to receive unclaimed human cadavers, when said institution accepts and complies with the provisions of Sections 194.120 to 194.180 particularly as follows:

1. By having corporate status (194.120*); (this provision presumably fulfilled by legislative definition 178.770)
2. By having an appropriately trained (by inference) faculty member (i.e., head of department, professor or associate professor of anatomy**) who can occupy a place on the Missouri State Anatomical Board (194.120);

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3. By having a scheduled course or place in the curriculum in which human anatomy is taught or investigated to or by students in attendance (194.120);
4. By providing the secretary of the Board with a certified statement of school enrollment (194.140-1);
5. By posting a \$1000.00 bond (194.140-2);
6. By paying a prescribed assessment proportional to school enrollment (194.130-3);
7. By properly utilizing, safeguarding and disposing of cadavers received (194.140-2, intent)?"

You further state that:

"To date the Missouri State Anatomical Board has distributed unclaimed cadavers to incorporated; medical and dental schools; schools of osteopathic medicine; chiropractic schools; special groups of physicians and surgeons organized to carry out anatomical investigation (e.g. Kansas City Anatomical Society). Each of these schools and groups, deemed to be operating at senior college, professional or graduate level involving mature, specialized students, presented obvious need for human material which material has been properly used and safeguarded."

The distribution of dead human bodies is provided for under Chapter 194, RSMo.

Section 194.120, RSMo, provides:

"1. That the heads of departments of anatomy, professors and associate professors of anatomy at the educational institutions of the state of Missouri which are now or may hereafter become incorporated, and in which said educational institutions human anatomy is investigated or

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taught to students in attendance at said educational institutions, shall be and hereby are constituted the Missouri State Anatomical Board, herein referred to in sections 194.120 to 194.180 as 'the board'.

"2. The board shall have exclusive charge and control of the disposal and delivery of dead human bodies, as described in sections 194.120 to 194.180, to and among such educational institutions as under the provisions of said sections are entitled thereto.

"3. The secretary of the board shall keep an accurate record of all bodies received and distributed by the board, showing the dates of receipt and distribution, the sources from which they came to the board, and the name and address of the educational institutions to which the same were sent, which record shall be at all times open to the inspection of each member of the board and of any prosecuting attorney or circuit attorney of any county or city within the state of Missouri."

Section 194.160, RSMo, provides in part:

"1. The secretary of the board shall cause to be distributed the bodies aforesaid, to any of the educational institutions mentioned in section 194.120, upon the acceptance and compliance by said educational institution with the provisions of section 194.120 to 194.180, in proportion to the number of students in attendance at said educational institutions where the subject of human anatomy is studied or investigated."

Under Section 194.160, supra, educational institutions mentioned in Section 194.120, supra, are entitled to receive a dead human body upon compliance with other provisions of the statutes which require such educational institution to execute a penal bond conditioned that all bodies received shall be used only for the promotion or application of anatomical knowledge and science, and other statutory requirements concerning the disposition of such bodies or parts of such bodies which they receive.

Under Section 194.160, supra, we must look to Section 194.120 to determine the educational institutions which are entitled to receive dead human bodies.

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Section 194.120 provides in part that the head of departments of anatomy, professors and associate professors of anatomy at the educational institutions in which human anatomy is investigated or taught "to students in attendance at said educational institution" are members of the Missouri State Anatomical Board. Such educational institutions are likewise entitled to receive dead human bodies for the purpose of teaching human anatomy.

Section 194.130, RSMo, provides that each educational institution accepting provisions of this law shall remit to the board a sum fixed and determined by said board in proportion to the total number of students in attendance at said educational institution. The funds so received are to be used in providing for the expenses incurred by the State Anatomical Board.

Section 194.140, RSMo, requires the president and secretary, or the dean and registrar of such educational institutions to furnish the secretary of the board a sworn statement setting forth the number of students in attendance at such educational institution.

Webster's New International Dictionary, Second Edition, defines anatomy as the art of dissecting or artificially separating the different parts of any animal or plant, to ascertain their position, relations, structure, and function.

The question is what educational institutions did the legislature intend to come within the provisions of these statutes.

The basic rule of statutory construction is to seek the legislative intent and effectuate it if possible, and the law favors construction which harmonizes this with reason, and tends to avoid unjust, absurd, unreasonable and conflicting results. State ex rel. Stern Brothers & Co. v. Stilley, 337 S.W.2d 934 (Mo. 1960). Statutes relating to same subject matter should be considered together and construed if possible so as to harmonize and be consistent with each other in reference to the subject involved. State ex rel. Hand v. Bilyeu, 346 S.W.2d 221 (Spr.Ct.App. 1961) transferred 351 S.W.2d 457 (Mo. banc 1961). The construction of statutes by public officials charged with their execution, especially when it has long prevailed, is entitled to great weight and should not be disregarded except for cogent reasons, and unless it be clear that such construction is erroneous. In re Bernays' Estate, 126 S.W.2d 209 (Mo. 1939).

These statutes governing the disposition of dead human bodies have been in substantially the same form since they were first enacted in 1907 and enforced by the State Anatomical Board.

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With these rules of statutory construction in mind what educational institutions are entitled to receive dead human bodies under the provision of Section 194.120, supra.

It is our view that only schools of medicine of the various universities or other separate schools or departments where all the students enrolled in the separate school or department are required to study anatomy come within the provisions of these statutes. It is our view that the legislature had in mind when this statute was enacted for it to apply to educational institutions in which human anatomy was taught to all students in attendance such as medical schools and colleges in which dissection of the human body is taught as a part of their course of study. This has been the interpretation made by the Missouri State Anatomical Board in the past and we believe it is the correct interpretation of this statute. The fact that the statutes require the State Anatomical Board to distribute the dead human bodies to the schools in proportion to the number of students in attendance at such schools and such educational institutions are required to pay a fixed sum to such board depending upon the number of students enrolled indicate this statute applies only to educational institutions in which all the students enrolled are required to study anatomy. We believe it would be unreasonable to hold that the statute was intended to apply to all incorporated, educational institutions in which a course in anatomy is taught such as Penn Valley Community College. This probably would include most liberal art colleges and possibly some high schools in the state. We believe the fact that the statutes require the human bodies be allocated to the schools in proportion to the number of students in attendance at the school indicate that the legislature had in mind only schools in which all the students enrolled were required to study anatomy. To hold otherwise, we believe, would be unreasonable construction of the statutes.

CONCLUSION

It is the opinion of this office that only educational institutions that have a department of anatomy and in which human anatomy is investigated or taught to all students in attendance at such institution or to all students in attendance at a school or department of such educational institution come within the provisions of Section 194.120, RSMo 1969, and are entitled to receive human cadavers from the State Anatomical Board. Penn Valley Community College is not entitled to receive human cadavers from the State Anatomical Board.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Moody Mansur.

Yours very truly,



JOHN C. DANFORTH
Attorney General