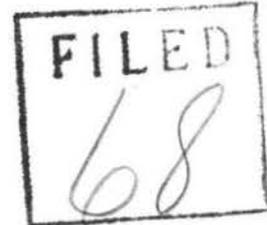


DEAD BODIES: Schools and colleges within this state now incorporated, or hereinafter incorporated, teaching descriptive anatomy are entitled to receive dead bodies when complying with the provisions of Article 3, of Chapter 53, of R. S. Mo. 1929.

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Dr. M. D. Overholser, Secretary  
Missouri State Anatomical Board  
Columbia, Missouri

Dear Dr. Overholser:

This will acknowledge receipt of your letter of recent date, requesting an opinion relative to our interpretation of the Anatomical Law.

"The Hohenschuh-Carpenter College of Embalming, St. Louis, Mo., has made a request to the Board for dissection material. My letter of December 2nd to Dr. Schoemaker (copy enclosed) states that in my opinion the school is entitled to this material. Dr. Terry, in a letter to Dr. Schoemaker (copy enclosed) feels that this school is not entitled to dissection material. Will you please let us have your ruling on this matter?"

To the end that a complete understanding may be had relative to the right of the above college to have dissection material, we quote the letter directed by Dr. Terry to Dr. Schoemaker, which is appended to your request for an opinion.

" \* \* \* According to the present law it would appear that Dr. Carpenter's claim for dissecting material has support through the incorporation of his school and the teaching of anatomy. I would not be willing to accede to this interpretation for it certainly

was not the intention of the law to distribute bodies to institutions organized for gainful purposes. I think that it implied that the distribution of bodies should be done with the utmost discretion as to the responsibility to the public in the handling of them. This is safe-guarded at the present time by putting the material in care of the medical profession. If any undertaking concern can incorporate a school I think it is inevitable that the safe-guarding will break down to the peril of the continuance of the anatomical law. I think this interpretation should be presented to the Attorney General for an opinion before including an embalming school in the membership of the Anatomical Board. It would be far better for the Board as now constituted to receive and deliver for use bodies to the Embalming School which should be returned to some institution represented on the Anatomical Board."

We direct your attention to Section 9128, R. S. Mo., 1929, relating to the creation of the Anatomical Board, which provides in part as follows:

"Professors and demonstrators of anatomy of the schools and colleges of the state of Missouri, which are now or may hereafter become incorporated, and in which said schools and colleges, descriptive and demonstrative anatomy is taught to students in attendance at said schools and colleges, shall be and are hereby constituted a board for the disposition and delivery of dead human bodies, hereinafter described, to and among such schools and colleges as under the provisions of this article are entitled thereto."

In the case of State vs. Thatcher, 92 S. W. (2), 1. c.

643, the court in discussing the language of an enactment said:

" \* \* \* the language of the enactment is perfectly clear and unambiguous. In such case there is nothing to construe, and no intent contrary to the evident intent can rationally or permissibly be implied."

Section 9128, supra, unequivocally states that professors and demonstrators of anatomy of the schools and colleges of this state which are now, or may hereafter become incorporated, and in which said schools and colleges descriptive and demonstrative anatomy is taught, are constituted a board for the disposition and delivery of dead human bodies. As part of the curriculum of the schools and colleges in this state, it is necessary that descriptive and demonstrative anatomy be taught.

Gould's Medical Dictionary defines descriptive anatomy at p. 75 as being:

"a study of the separate and individual portions of the body apart from their relationship to surrounding parts."

"Demonstrator" is also defined in Gould's Medical Dictionary as being:

"one who instructs in the practical application of the arts and sciences."

Section 9130, R. S. Mo., 1929, relating to the distribution of dead bodies, provides as follows:

"The secretary of the board shall cause to be distributed the bodies aforesaid to the schools and colleges mentioned

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in section 9128 hereof, upon the acceptance and compliance of said school and college with the provisions of this article in proportion to the number of students in attendance at said schools and colleges, in which the subject of anatomy is being taught."

Section 9131, R. S. No., 1929, relating to when schools and colleges of this state, shall accept provisions of this article, provides in part as follows:

"The president and secretary of such school and college in this state, desiring to accept the provisions of this article, shall, within sixty days of the first day of each term of said school or college, make and furnish to the secretary of said board a sworn statement setting forth the number of students in attendance at said school or college in which the subject of anatomy is being taught; \* \* \* \* \*"

You will particularly note that the schools and colleges of this state shall, within sixty days after the first day of each term of said school or college, make and furnish to the secretary of said board a sworn statement setting forth the number of students in attendance at said school or college in which the subject of anatomy is being taught. No doubt, the legislature at the time this section was enacted had in mind that the board should make disposition of dead human bodies based upon the number of students in attendance. It, therefore, becomes mandatory upon the president and secretary of such schools desiring dead human bodies, to make the sworn statement setting forth the number of students within sixty days after the first day of each term of said schools or colleges.

Section 9133, R. S. No., 1929, relating to the meeting of the persons who compose the Anatomical Board and the compensation of the secretary thereof, provides as follows:

"The persons constituting the aforesaid

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board shall meet on the first Tuesday in July, after the passage of this article, in Jefferson City, Missouri, and organize by electing a president and secretary and such other officers as in their judgment may be necessary, and shall thereafter meet as often as once in each year, and at such time and place as the board may decide. Said board shall fix the compensation of the secretary thereof, and each school or college accepting the provisions of this article shall pay to the secretary of said board a sum to be fixed and determined by said board; which shall be in proportion to the number of students in attendance at said schools and colleges, as set forth in the affidavit hereinbefore provided for, or so much per capita for each of said students; and the amount so fixed shall be paid to said secretary by each of the schools or colleges accepting the provisions thereof. (R. S. 1919, Sec. 7348.)"

#### CONCLUSION

In light of the above, it is the opinion of this department that any school or college now incorporated, or hereinafter incorporated, within this state, wherein the subject of descriptive and demonstrative anatomy is taught, is entitled to receive dead human bodies, provided they accept the provisions of Article 3 of Chapter 53, R. S. Mo., 1929 by making and furnishing to the secretary of the Anatomical Board a sworn statement within sixty days of the first day of each term of said school or college setting forth the number of students in attendance at said school or college.

We further rule that the schools or colleges accepting the provisions of the aforementioned article shall pay to the

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secretary of the Anatomical Board a sum which is fixed and determined by said board based upon the number of students in attendance at said schools and colleges.

Respectfully submitted,

RUSSELL C. STONE  
Assistant Attorney General

APPROVED:

*C. E. Taylor*  
(Acting) Attorney General

RCS:RT