

**OPINION
51-82**

June 4, 1951 (OPINION)

INSTITUTIONS

RE: Request for Cadavers from University Medical Department

You have requested the opinion of this office as to the method of procedure and whether parent or guardian consent is needed in cases where the department of anatomy of the University of North Dakota has requested bodies which are to be buried at public expense for the purposes of dissection.

Section 23-0614, N.D.R.C., 1943, provides:

* * * medical school, upon request, may receive and remove free of charge the bodies of the following deceased persons, if such bodies are to be used within the state for the advancement of anatomical knowledge and medical science and if proper notice is given to the relatives or guardian of the deceased * * *

3. A person to be buried at public expense.* * *

It is our opinion that after it has been ascertained that the burial of the deceased must be made at public expense, then the anatomy department may request the body for the specified purpose.

Section 23-0615, N.D.R.C., 1943, provides:

If a person mentioned in section 23-0614 shall have requested, during his last illness, that he be buried, his body shall not be surrendered for dissection but shall be buried. If any friend, relative, or guardian of any such person shall request, within thirty-six hours after his death, that the body be turned over to such friend, relative, or guardian for interment, such request shall be complied with."

Upon receiving the request for the body, notice must be given to the relatives or guardian of the deceased.

In cases where the deceased person did not request burial, upon his death and upon the request for his body by the anatomy department, notice of such request should be given immediately to any relative or guardian of the deceased. If no request from such relative or guardian for the body of the deceased is received within thirty-six hours after his death, then the request of the anatomy department can be complied with and the body removed for the specified purposes.

ELMO T. CHRISTIANSON

Attorney General