



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**JOHN BEN SHEPPERD**  
ATTORNEY GENERAL

August 20, 1953

Hon. Glenn W. Massie  
Executive Secretary  
State Board of Morticians  
4837 Gaston Avenue  
Dallas 4, Texas

Letter Opinion MS-87

Re: Liability of funeral  
director under autopsy  
statute, Chapter 216,  
Page 573, Acts of the  
53rd Legislature, 1953,  
codified as Article  
970b, Vernon's Ann.  
C.C.P.

Dear Mr. Massie:

Your requested an opinion of this office on  
July 30, 1953, which read in part as follows:

"Kindly furnish this office at your earliest  
convenience an opinion on the liability of a  
funeral director under the new statute regard-  
ing authorization for an autopsy, House Bill  
#415 Fifty-Third Session of the Legislature."

By telephonic conversation you rephrased your  
inquiry thereby requesting the effect of Article 970b,  
Vernon's Ann. C.C.P., (Ch. 216, Acts 53rd Leg., 1953)  
upon the liability of a funeral director who commits  
the body of a deceased person to a licensed physician  
for autopsy.

The statute in question provides a "yardstick"  
by which licensed physicians may ascertain from whom  
they may receive authorization to conduct autopsies.  
Assuming compliance with the statute by a licensed  
physician, commitment of the body to such physician by  
a funeral director should preclude him from being sub-  
ject to civil liability.

Hon. Glenn W. Massie, page 2 (MS-87)

There are innumerable fact ramifications affecting what would be a valid compliance with the statute and for this reason each case will present its own legal problem.

Yours very truly,

JOHN BEN SHEPPERD  
Attorney General

By

William W. Guild  
Assistant

WWG:mg:lm