

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-255
SENATE BILL 1075**

AN ACT TO AMEND THE DEFINITION OF THE TERMS "QUALIFIED INDIVIDUAL" AND "TISSUE BANK" IN THE UNIFORM ANATOMICAL GIFT ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-403 reads as rewritten:

"§ 130A-403. Definitions.

The following definitions shall apply throughout this Part:

- (1) "Bank or storage facility" means a facility licensed, accredited or approved under the laws of any state for storage or distribution of a human body or its parts.
- (2) "Decedent" means a deceased individual and includes a stillborn infant or fetus.
- (3) "Donor" means an individual who makes a gift of all or part of the individual's body.
- (4) "Hospital" means a hospital licensed, accredited or approved under the laws of any state and a hospital operated by the United States government, a state or its subdivision, although not required to be licensed under state laws.
- (5) "Part" means organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions of a human body.
- (6) "Physician" or "surgeon" means a physician or surgeon licensed to practice medicine under the laws of any state.
- (7) "State" includes any state, district, commonwealth, territory, insular possession and any other area subject to the legislative authority of the United States of America.
- (7a) "Tissue bank" means any facility or program operating in North Carolina that is certified by the American Association of Tissue Banks or the Eye Bank Association of ~~America~~ America, ~~or is registered with the Food and Drug Administration as a tissue bank~~, and is involved in procuring, furnishing, donating, or distributing corneas, bones, or other human tissue for the purpose of injecting, transfusing, or transplanting any of them into the human body. "Tissue bank" does not include a licensed blood bank.
- (8) "Qualified individual" means any of the following individuals who ~~has~~ have completed a course in eye enucleation and ~~has~~ have been certified as competent to enucleate eyes or perform in situ excision by an eye bank accredited by the Eye Bank Association of America or by an accredited school of medicine in this State:
 - a. An embalmer licensed to practice in this State;
 - b. A physician's assistant approved by the North Carolina Medical Board pursuant to G.S. 90-18(13);
 - c. A registered or a licensed practical nurse licensed by the Board of Nursing pursuant to Article 9A of Chapter 90 of the General Statutes;

- d. A student who is enrolled in an accredited school of medicine operating within this State and who has completed two or more years of a course of study leading to the awarding of a degree of doctor of medicine;
- e. A technician who has successfully completed a written examination administered by an eye bank that is registered with the Food and Drug Administration and accredited by the Eye Bank Association of America. ~~by the North Carolina Eye and Human Tissue Bank, Inc., certified by the Eye Bank Association of America."~~

SECTION 2. G.S. 130A-406(e) reads as rewritten:

"(e) In respect to a gift of an eye, a qualified individual may enucleate eyes or perform in situ excision for the gift after proper certification of death by a physician and upon the express direction of a physician other than the one who certified the death of the donor."

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 18th day of June, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 12:36 p.m. this 29th day of June, 2001