

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 690*

Short Title: DNR Form Signatures.

(Public)

Sponsors: Representatives Insko; Alexander and Harrison.

Referred to: Health, if favorable, Judiciary III.

March 15, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE SIGNATURE OF THE PATIENT OR THE PATIENT'S
3 PARENT, GUARDIAN, OR REPRESENTATIVE ON "DO NOT RESUSCITATE"
4 ORDER FORMS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 90-322 reads as rewritten:

7 "**§ 90-322. Procedures for natural death in the absence of a declaration.**

8 (a) If a person is comatose and there is no reasonable possibility that he will
9 return to a cognitive sapient state or is mentally incapacitated, and:

10 (1) It is determined by the attending physician that the person's present
11 condition is:

12 a. Terminal and incurable; or

13 b. Repealed by Session Laws 1993, c. 553, s. 29.

14 c. Diagnosed as a persistent vegetative state; and

15 (2) There is confirmation of the person's present condition as set out above
16 in this subsection, in writing by a physician other than the attending
17 physician; and

18 (3) A vital function of the person could be restored by extraordinary
19 means or a vital function of the person is being sustained by
20 extraordinary means; or

21 (4) The life of the person could be or is being sustained by artificial
22 nutrition or hydration;

23 then, extraordinary means or artificial nutrition or hydration may be withheld or
24 discontinued in accordance with subsection (b).

25 (b) If a person's condition has been determined to meet the conditions set forth in
26 subsection (a) and no instrument has been executed as provided in G.S. 90-321 the
27 extraordinary means or artificial nutrition or hydration may be withheld or discontinued
28 upon the direction and under the supervision of the attending physician with the written
29 and signed concurrence on the DNR order form (i) of a health care agent appointed

1 pursuant to a health care power of attorney meeting the requirements of Article 3 of
2 Chapter 32A of the General Statutes, or (ii) of a guardian of the person, or (iii) of the
3 person's spouse, or (iv) of a majority of the relatives of the first degree, in that order. If
4 none of the above is available then at the discretion of the attending physician the
5 extraordinary means or artificial nutrition or hydration may be withheld or discontinued
6 upon the direction and under the supervision of the attending physician.

7 (c) Repealed by Session Laws 1979, c. 715, s. 2.

8 (d) The withholding or discontinuance of such extraordinary means or artificial
9 nutrition or hydration shall not be considered the cause of death for any civil or criminal
10 purpose nor shall it be considered unprofessional conduct. Any person, institution or
11 facility against whom criminal or civil liability is asserted because of conduct in
12 compliance with this section may interpose this section as a defense."

13 **SECTION 2.** This act becomes effective October 1, 2007.