

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 813

Short Title: Expand Dur. Power of Attorney.

(Public)

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Sponsors: Senators Taft; Johnson of Wake, Marvin, Odom, Royall, Sands, Shaw, Sherron, Smith, Tally, and Ward.

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Referred to: Judiciary III.

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April 6, 1989

A BILL TO BE ENTITLED

AN ACT TO SPECIFICALLY PROVIDE THAT THE AUTHORITY TO EXERCISE  
THE RIGHT TO A NATURAL DEATH MAY BE INCLUDED IN A DURABLE  
POWER OF ATTORNEY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 32A-2(9) reads as rewritten:

"(9) Personal Relationships and Affairs. – To do all acts necessary for maintaining the customary standard of living of the principal, the spouse and children, and other dependents of the principal; to provide medical, dental and surgical care, hospitalization and custodial care for the principal, the spouse, and children, and other dependents of the principal; to exercise all rights of the principal to control decisions relating to the rendering of medical care to the principal, including, but not limited to, those rights set forth in Article 23 of Chapter 90 of the General Statutes, and the attorney-in-fact shall be deemed his lawful representative for purposes of that Article; to continue whatever provision has been made by the principal, for the principal, the spouse, and children, and other dependents of the principal, with respect to automobiles, or other means of transportation; to continue whatever charge accounts have been operated by the principal, for the convenience of the principal, the spouse, and children, and other dependents of the principal, to open such new accounts as the attorney-in-fact shall think to be desirable for the accomplishment of any of the purposes enumerated in this section, and to pay the items charged on such accounts by any person authorized or permitted by the principal or the attorney-in-fact to make such charges; to continue the discharge of any services or duties assumed by the principal, to any parent, relative or

1 friend of the principal; to continue payments incidental to the membership or affiliation  
2 of the principal in any church, club, society, order or other organization, or to continue  
3 contributions thereto."

4           Sec. 2. G.S. 90-322(b) reads as rewritten:

5       "(b) If a person's condition has been determined to meet the conditions set forth in  
6 subsection (a) and such person has executed a durable power of attorney under Chapter  
7 32A of the General Statutes, which confers or incorporates those powers set out in G.S.  
8 32A-2(9) relative to this Article; and such power of attorney has not been revoked in  
9 accordance with G.S. 32A-13; then the attorney-in-fact may exercise such person's right  
10 to a natural death by authorizing or concurring that such person's life not be prolonged  
11 by extraordinary means. Such act of a person's attorney-in-fact under a durable power  
12 of attorney, as set forth above, shall have the same force and effect as a declaration of  
13 such person under the provisions of G.S. 90-321; and pursuant to such authorization, the  
14 extraordinary means to prolong life may be withheld or discontinued upon the direction  
15 and under the supervision of the attending physician. If a person's condition has been  
16 determined to meet the conditions set forth in subsection (a) and no durable power of  
17 attorney has been executed, as set forth in this subsection, and no instrument has been  
18 executed as provided in G.S. 90-321 the extraordinary means to prolong life may be  
19 withheld or discontinued upon the direction and under the supervision of the attending  
20 physician with the concurrence (i) of the person's spouse, or (ii) of a guardian of the  
21 person, or (iii) of a majority of the relatives of the first degree, in that order. If none of  
22 the above is available then at the discretion of the attending physician the extraordinary  
23 means may be withheld or discontinued upon the direction and under the supervision of  
24 the attending physician."

25           Sec. 3. This act shall become effective January 1, 1990.