

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 84  
HOUSE BILL 60

1 AN ACT TO AUTHORIZE AND MAKE UNIFORM THE PROCEDURE MAKING A GIFT  
2 OF ALL OR PART OF A HUMAN BODY AFTER DEATH FOR SPECIFIED  
3 PURPOSES.  
4

5 The General Assembly of North Carolina do enact:  
6

7 **Section 1.** Chapter 90 of the General Statutes is hereby amended by inserting the  
8 following new Article 15A immediately after Article 15 thereof and immediately before Article  
9 16 thereof to read as follows:

10 "Article 15A.

11 "Uniform Anatomical Gift Act.

12 **"Section 90-220.1. Definitions..** As used in this Act:

- 13 (1) 'Bank or storage facility' means a facility licensed, accredited, or approved  
14 under the laws of any state for storage or distribution of human bodies or  
15 parts thereof.  
16 (2) 'Decedent' means a deceased individual and includes a stillborn infant or  
17 fetus.  
18 (3) 'Donor' means an individual who makes a gift of all or part of his body.  
19 (4) 'Hospital' means a hospital licensed, accredited, or approved under the laws  
20 of any state and a hospital operated by the United States government, a state,  
21 or a subdivision thereof, although not required to be licensed under state  
22 laws.  
23 (5) 'Part' means organs, tissues, eyes, bones, arteries, blood, other fluids and any  
24 other portions of a human body.  
25 (6) 'Person' means an individual, corporation, government or governmental  
26 subdivision or agency, business trust, estate, trust, partnership or association,  
27 or any other legal entity.  
28 (7) 'Physician' or 'surgeon' means a physician or surgeon licensed or authorized  
29 to practice medicine under the laws of any state.  
30 (8) 'State' includes any state, district, commonwealth, territory, insular  
31 possession, and any other area subject to the legislative authority of the  
32 United States of America.

33 **"Sec. 90-220.2. Persons who may execute an anatomical gift.** (a) Any individual of sound  
34 mind and 18 years of age or more may give all or any part of his body for any purpose specified  
35 in G.S. 90-220.3, the gift to take effect upon death.

36 "(b) Any of the following persons, in order of priority stated, when persons in prior  
37 classes are not available at the time of death, and in the absence of actual notice of contrary  
38 indications by the decedent or actual notice of opposition by a member of the same or a prior  
39 class, may give all or any part of the decedent's body for any purpose specified in G.S. 90-  
40 220.3:

- 41 (1) The spouse,  
42 (2) An adult son or daughter,  
43 (3) Either parent,

- 1 (4) An adult brother or sister,
- 2 (5) A guardian of the person of the decedent at the time of his death,
- 3 (6) Any other person authorized or under obligation to dispose of the body.

4 The persons authorized by this subsection may make the gift after or immediately before  
5 death.

6 "(c) If the donee has actual notice of contrary indications by the decedent or that a gift  
7 by a member of a class is opposed by a member of the same or a prior class, the donee shall not  
8 accept the gift.

9 "(d) A gift of all or part of a body authorizes any examination necessary to assure  
10 medical acceptability of the gift for the purposes intended.

11 "(e) The rights of the donee created by the gift are paramount to the rights of others  
12 except as provided by G.S. 90-220.7(d).

13 **"Sec. 90-220.3. Persons who may become donees; purposes for which anatomical gifts**  
14 **may be made.** The following persons may become donees of gifts of bodies or parts thereof for  
15 the purposes stated:

- 16 (1) Any hospital, surgeon, or physician, for medical or dental education,  
17 research, advancement of medical or dental science, therapy, or  
18 transplantation; or
- 19 (2) Any accredited medical or dental school, college or university for education,  
20 research, advancement of medical or dental science, or therapy; or
- 21 (3) Any bank or storage facility, for medical or dental education, research  
22 advancement of medical or dental science, therapy, or transplantation; or
- 23 (4) Any specified individual for therapy or transplantation needed by him.

24 **"Sec. 90-220.4. Manner of executing anatomical gifts.** (a) A gift of all or part of the body  
25 under G.S. 90-220.2(a) may be made by will. The gift becomes effective upon the death of the  
26 testator without waiting for probate. If the will is not probated, or if it is declared invalid for  
27 testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is  
28 nevertheless valid and effective.

29 "(b) A gift of all or part of the body under G.S. 90-220.2(a) may also be made by  
30 document other than a will. The gift becomes effective upon the death of the donor. The  
31 document, which may be a card designed to be carried on the person, must be signed by the  
32 donor in the presence of two witnesses who must sign the document in his presence. If the  
33 donor cannot sign, the document may be signed for him at his direction and in his presence and  
34 the presence of two witnesses who must sign the document in his presence. Delivery of the  
35 document of gift during the donor's lifetime is not necessary to make the gift valid.

36 "(c) The gift may be made to a specified donee or without specifying a donee. If the  
37 latter, the gift may be accepted by the attending physician as donee upon or following death. If  
38 the gift is made to a specified donee who is not available at the time and place of death, the  
39 attending physician upon or following death, in the absence of any expressed indication that the  
40 donor desired otherwise, may accept the gift as donee.

41 "(d) The donor may designate in his will, card, or other document of gift the surgeon or  
42 physician to carry out the appropriate procedures, subject to the provisions of G.S. 90-220.7(b).  
43 In the absence of a designation or if the designee is not available, the donee or other person  
44 authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

45 "(e) Any gift by a person designated in G. S. 90-220. 2(b) shall be made by a document  
46 signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

47 **"Sec. 90-220.5. Delivery of document of gift.** If the gift is made by the donor to a specified  
48 donee, the will, card, or other document, or an executed copy thereof, may be delivered to the  
49 donee at any time to expedite the appropriate procedures immediately after death. Delivery is  
50 not necessary to the validity of the gift. The will, card, or other document, or an executed copy  
51 thereof, may be deposited in any hospital, bank or storage facility, or registry office that accepts

it for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

**"Sec. 90-220.6. Amendment or revocation of the gift.** (a) If the will, card, or other document or executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by:

(1) The execution and delivery to the donee of a signed statement, or

(2) An oral statement made in the presence of two persons and communicated to the donee, or

(3) A statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or

(4) A signed card or document found on his person or in his effects, and made known to the donee.

"(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a) or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

"(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills or as provided in subsection (a).

**"Sec. 90-220.7. Rights and duties at death.** (a) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he shall, subject to the terms of the gift, authorize embalming and the use of the body in funeral services, upon request of the surviving spouse or other person listed in the order stated in G.S. 90-220.2(b)." If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall, within 24 hours, cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin, or other persons under obligation to dispose of the body.

"(b) The time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the death. Such physician shall not participate in the procedures for removing or transplanting a part.

"(c) A person who acts with due care in accord with the terms of this Article or the anatomical gift laws of another state is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

"(d) The provisions of this Article are subject to the laws of this State prescribing powers and duties with respect to autopsies.

**"Sec. 90-220.8. Uniformity of interpretation.** This Article shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

**"Sec. 90-220.9. Short title.** This Article may be cited as the Uniform Anatomical Gift Act."

**Sec. 2.** Article 14A of Chapter 90 of the General Statutes is hereby repealed.

**Sec. 3.** All laws and clauses of laws in conflict with this Act are hereby repealed.

**Sec. 4.** This Act shall become effective October 1, 1969.

In the General Assembly read three times and ratified, this the 17th day of March, 1969.