

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 625
HOUSE BILL 1166

AN ACT TO AMEND ARTICLE 1A OF CHAPTER 90 AND ARTICLE 8 OF CHAPTER 110 TO PROVIDE FOR EMERGENCY MEDICAL TREATMENT OF MINORS OVER PARENTAL OBJECTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-21.1 is hereby amended by adding a new subdivision (4) to read as follows:

"(4) Where the parents refuse to consent to a procedure, and the necessity for immediate treatment is so apparent that the delay required to obtain a court order would endanger the life or seriously worsen the physical condition of the child. No treatment shall be administered to a child over the parent's objection as herein authorized unless the physician shall first obtain the opinion of another physician licensed to practice medicine in the State of North Carolina that such procedure is necessary to prevent immediate harm to the child.

Provided, however, that the refusal of a physician to use, perform or render treatment to a minor without the consent of the minor's parent, guardian, or person standing in the position of loco parentis, in accordance with this act, shall not constitute grounds for a civil action or criminal proceedings against such physician."

Sec. 2. G.S. 110-118(d)(1) is hereby amended by rewriting the same to read as follows:

"(1) May retain temporary physical custody of the child and may render necessary medical treatment to the child, in which event said hospital, clinic, or medical facility".

Sec. 3. This act shall become effective July 1, 1977.

In the General Assembly read three times and ratified, this the 20th day of June, 1977.