

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 782
SENATE BILL 397

AN ACT TO PROVIDE CORNEAL TISSUE FOR TRANSPLANT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 130 of the General Statutes is amended by adding a new Article, Article 21A, to read:

"ARTICLE 21A.

"Corneal Tissue Removal.

"§ 130-202.3. **Authorization of medical examiner; conditions.** — A medical examiner or a regional pathologist may provide corneal tissue from a decedent under his jurisdiction to the North Carolina Eye and Human Tissue Bank or other donee specified in G.S. 90-220.3 under the following conditions:

- (1) Consent from next of kin is obtained in accordance with G.S. 90-220.2; or
- (2) A reasonable attempt to determine next of kin has failed, the medical examiner or regional pathologist believes that there are no next of kin to be contacted for consent, and no objection by the next of kin is known to the medical examiner or regional pathologist; and
- (3) The removal of the corneal tissue for transplant will not interfere with any subsequent course of investigation or autopsy or alter the post mortem facial appearance.

"§ 130-202.4. **Immunity from liability.** — Neither the medical examiner, the regional pathologist, nor the donee shall be liable in any civil action brought by the next of kin on the contention that authorization of next of kin was required to remove the corneal tissue, provided that the medical examiner or regional pathologist has made reasonable efforts to determine and locate next of kin prior to the donation."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1981.