

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 76
Committee Substitute Favorable 4/1/09
Committee Substitute #2 Favorable 4/8/09
Senate Finance Committee Substitute Adopted 6/23/10

Short Title: Honor Wishes of Members of Military/Remains.

(Public)

Sponsors:

Referred to:

February 9, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW A MEMBER OF THE MILITARY TO DESIGNATE THE TYPE, PLACE, AND METHOD OF DISPOSITION OF THE INDIVIDUAL'S REMAINS BY COMPLETING THE UNITED STATES DEPARTMENT OF DEFENSE RECORD OF EMERGENCY DATA, DD FORM 93, OR ITS SUCCESSOR FORM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-420(a) reads as rewritten:

"(a) An individual at least 18 years of age may authorize the type, place, and method of disposition of the individual's own dead body by methods in the following order:

- (1) Pursuant to a preneed funeral contract executed pursuant to Article 13D of Chapter 90 of the General Statutes or pursuant to a cremation authorization form executed pursuant to Article 13C of Chapter 90 of the General Statutes.
- (2) Pursuant to a written will.
- (3) Pursuant to a written statement other than a will signed by the individual and witnessed by two persons who are at least 18 years old.
- (4) Pursuant to a health care power of attorney to the extent provided in Article 3 of Chapter 32A of the General Statutes.

(a1) An individual at least 18 years of age may ~~also~~ delegate his or her right to dispose of his or her own dead human body to any person by one of the following methods:

- (1) any—Any means authorized in subdivisions (1) through (3) of ~~this subsection~~.subsection (a) of this section.
- (2) By completing United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form. A delegation made by filling out this form shall only be effective if the individual dies under the circumstances described in 10 U.S.C. § 1481(a)(1) through (8). A delegation under this subdivision takes precedence over any of the methods set forth in this section."

SECTION 2. This act is effective when it becomes law.

