

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
Fifth Edition Engrossed 6/29/10

Short Title: Honor Wishes of Members of Military/Remains. (Public)

Sponsors:

Referred to:

February 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW A MEMBER OF THE MILITARY TO DESIGNATE THE TYPE,
3 PLACE, AND METHOD OF DISPOSITION OF THE INDIVIDUAL'S REMAINS BY
4 COMPLETING THE UNITED STATES DEPARTMENT OF DEFENSE RECORD OF
5 EMERGENCY DATA, DD FORM 93, OR ITS SUCCESSOR FORM, AND TO MAKE
6 CONFORMING CHANGES AND TO ADOPT THE HONOR AND REMEMBER FLAG
7 TO HONOR AND RECOGNIZE FALLEN MEMBERS OF THE ARMED FORCES.

8 The General Assembly of North Carolina enacts:

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

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

- 12 (1) Pursuant to a preneed funeral contract executed pursuant to Article 13D of
13 Chapter 90 of the General Statutes or pursuant to a cremation authorization
14 form executed pursuant to Article 13C of Chapter 90 of the General Statutes.
15 (2) Pursuant to a health care power of attorney to the extent provided in Article
16 3 of Chapter 32A of the General Statutes.~~Pursuant to a written will.~~
17 (3) Pursuant to a written will.~~Pursuant to a written statement other than a will
18 signed by the individual and witnessed by two persons who are at least 18
19 years old.~~
20 (4) Pursuant to a written statement other than a will signed by the individual and
21 witnessed by two persons who are at least 18 years old.~~Pursuant to a health
22 care power of attorney to the extent provided in Article 3 of Chapter 32A of
23 the General Statutes.~~

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

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



1 **SECTION 2.** G.S. 90-210.124(a) reads as rewritten:

2 "(a) The following person, in the priority list below, shall have the right to serve as an
3 "authorizing agent":

4 (1) An individual at least 18 years of age may authorize the type, place, and
5 method of disposition of the individual's own dead body by methods ~~in the~~
6 ~~following order: provided under G.S. 130A-420(a). An individual may~~
7 ~~delegate his or her right to dispose of his or her own body to any person by~~
8 ~~one of the methods provided under G.S. 130A-420(a1).~~

9 a. ~~Pursuant to a preneed funeral contract executed pursuant to Article~~
10 ~~13D of Chapter 90 of the General Statutes or pursuant to a cremation~~
11 ~~authorization form executed pursuant to Article 13C of Chapter 90 of~~
12 ~~the General Statutes.~~

13 b. ~~Pursuant to a health care power of attorney to the extent provided in~~
14 ~~Article 3 of Chapter 32A of the General Statutes.~~

15 e. ~~Pursuant to a written will.~~

16 d. ~~Pursuant to a written statement other than a will signed by the~~
17 ~~individual and witnessed by two persons who are at least 18 years~~
18 ~~old.~~

19 ..."

20 **SECTION 3.** G.S. 90-210.63(3a) reads as rewritten:

21 "(3a) ~~"Legal representation"~~"Legal representative" means the person authorized by
22 G.S. 130A-420 who would be otherwise authorized to dispose of the remains
23 of the preneed funeral contract beneficiary."

24 **SECTION 4.** Chapter 145 of the General Statutes is amended by adding a new
25 section to read:

26 "**§ 145-32. Honor and Remember Flag.**

27 The Honor and Remember Flag created by Honor and Remember, Inc., is adopted as a
28 symbol to honor and recognize members of the United States Armed Forces who have died in
29 the line of duty."

30 **SECTION 5.** This act is effective when it becomes law.