

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 694
Committee Substitute Favorable 5/11/21

Short Title: First Responders/Health Care POAs Required.

(Public)

Sponsors:

Referred to:

April 28, 2021

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING THAT EMPLOYEES WHO MUST RESPOND FIRST TO
3 EMERGENCIES MUST HAVE HEALTH CARE POWERS OF ATTORNEY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 3 of Chapter 95 of the General Statutes is amended by adding
6 a new section to read:

7 **"§ 95-28.5. First responder health care power of attorney required.**

8 (a) The following definitions apply in this section:

9 (1) Employing authority. – A State agency or a city, county, or other local
10 political subdivision of this State.

11 (2) First responder. – A public employee who is a law enforcement officer, a
12 firefighter, an emergency medical technician, or any other public employee
13 whose primary job duty is to respond to an emergency. The term does not
14 include volunteer firefighters.

15 (3) Health care power of attorney. – As defined in Article 3 of Chapter 32A of the
16 General Statutes.

17 (4) Private employee. – A person employed by a private employer.

18 (5) Private employer. – An employer who is not an employing authority as
19 defined by this subsection.

20 (6) Public employee. – A person employed by an employing authority.

21 (b) Each employing authority that employs public employee first responders shall require
22 that every first responder in its employment shall have a valid health care power of attorney to
23 ensure that every first responder will receive prompt and appropriate medical care under any
24 circumstances when the first responder becomes incapacitated or is otherwise unable to give
25 medical consent for treatment. The employing authority shall:

26 (1) Require that each first responder execute or produce a true copy of a valid
27 health care power of attorney.

28 (2) Maintain and provide access to a copy of the health care power of attorney in
29 a manner that allows its use promptly and effectively if the first responder is
30 incapacitated while responding to an emergency.

31 (3) Require that the first responder and the responder's supervisor review the
32 health care power of attorney annually as part of the employing authority's
33 employee performance review process.

34 (c) Each private employer in this State that employs private employee first responders
35 shall require that every first responder in its employment shall have a valid health care power of
36 attorney to ensure that every first responder will receive prompt and appropriate medical care



1 under any circumstances when the first responder becomes incapacitated or is otherwise unable
2 to give medical consent for treatment."

3 **SECTION 2.** This act becomes effective January 1, 2022.