

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2010-191
HOUSE BILL 76**

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, AND TO MAKE CONFORMING CHANGES AND TO ADOPT THE HONOR AND REMEMBER FLAG TO HONOR AND RECOGNIZE FALLEN MEMBERS OF THE ARMED FORCES.

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 health care power of attorney to the extent provided in Article 3 of Chapter 32A of the General Statutes.~~Pursuant to a written will.~~
- (3) ~~Pursuant to a written will. 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 written statement other than a will signed by the individual and witnessed by two persons who are at least 18 years old.~~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. G.S. 90-210.124(a) reads as rewritten:

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

- (1) 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:~~ provided under G.S. 130A-420(a). An individual may delegate his or her right to dispose of his or her own body to any person by one of the methods provided under G.S. 130A-420(a1).
 - a. ~~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.~~
 - b. ~~Pursuant to a health care power of attorney to the extent provided in Article 3 of Chapter 32A of the General Statutes.~~
 - e. ~~Pursuant to a written will.~~



d. ~~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.~~

... "

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

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

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

"§ 145-32. Honor and Remember Flag.

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

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

In the General Assembly read three times and ratified this the 8th day of July, 2010.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 10:37 a.m. this 4th day of August, 2010