



CHAPTER 130A

ARTICLE 16 - POSTMORTEM INVESTIGATION AND DISPOSITION

N.C.G.S. § 130A-398.

Limitation on right to perform autopsy.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2006-226, s. 32 — eighth act in the lineage	21 September 2026, 04:16 UTC	c99aa3ff1568df60a0eb6a04 - 00d7928fa759310ab13178d8 - 31ed3a992e139d07

The right to perform an autopsy shall be limited to those cases in which:

The Chief Medical Examiner or a county medical examiner, acting pursuant to G.S. 130A-389, directs that an autopsy be performed;

The Commission of Anatomy, acting pursuant to G.S. 130A-415, has given written consent for an autopsy to be performed on an unclaimed body;

A prosecuting officer or district attorney, acting pursuant to G.S. 15-7 in case of homicide, directs that an autopsy be performed;

The decedent directs in writing prior to death that an autopsy be performed upon the occurrence of the decedent's death;

The health care agent under a health care power of attorney with authority to make decisions with respect to autopsies requests that an autopsy be performed upon the deceased principal;

The personal representative of the estate of the decedent requests that an autopsy be performed upon the decedent; or

Any of the following persons, in order of priority, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent or actual opposition by a member of the same or prior class, authorizes an autopsy to be performed:

a.The spouse;

b.Any adult child or stepchild;

c.Any parent or stepparents;

d.Any adult sibling;

- e.A guardian of the person of the decedent at the time of the decedent's death;
- f.Any relative or person who accepts responsibility for final disposition of the body by other customary and lawful procedures;
- g.Any person under obligation to dispose of the body.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
8 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1931

1969

2006

TICK HEIGHT = ACTS IN THAT YEAR

DASHED = RECODIFICATION, NOT AMENDMENT

Nº	YEAR	ACT	CHARACTER
01	1931	c. 152	ENACTED
02	1933	c. 209	AMENDED
03	1967	c. 1154, s. 4	AMENDED
04	1969	c. 444	AMENDED
05	1973	c. 47, s. 2	AMENDED
06	1983	c. 891, s. 2	AMENDED
07	2005	S.L. 2005-351, s. 5	AMENDED
08	2006	S.L. 2006-226, s. 32	AMENDED

APPARATUS II
3 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 130A-389	(null)(1)	"county medical examiner, acting pursuant to"
G.S. 130A-415	(null)(2)	"Commission of Anatomy, acting pursuant to"
G.S. 15-7	(null)(3)	"or district attorney, acting pursuant to"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 130A-398 (2006).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1931, c. 152; 1933, c. 209; 1967, c. 1154, s. 4; 1969, c. 444; 1973, c. 47, s. 2; 1983, c. 891, s. 2; 2005-351, s. 5; 2006-226, s. 32.)

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