



CHAPTER 148  
ARTICLE 2 - PRISON REGULATIONS

N.C.G.S. § 148-22.2.

# Procedure when surgical operations on inmates are necessary.

| SOURCE                                                                   | LAST AMENDMENT IN THIS TEXT                         | RETRIEVED                    | SOURCE FINGERPRINT                                                     |
|--------------------------------------------------------------------------|-----------------------------------------------------|------------------------------|------------------------------------------------------------------------|
| General Statutes of North Carolina, as published by the General Assembly | S.L. 2004-203, s. 53(a) — eighth act in the lineage | 21 September 2026, 04:47 UTC | 16b2829eefcd5caddb188eb9 - 8d5a6a993684caecd9323057 - b732b9c0e03ed5e9 |

The medical staff of any penal institution of the State of North Carolina is hereby authorized to perform or cause to be performed by competent and skillful surgeons surgical operations upon any inmate when such operation is necessary for the improvement of the physical condition of the inmate. The decision to perform an operation shall be made by the chief medical officer of the institution, with the approval of the superintendent of the institution, and with the advice of the medical staff of the institution. No operation shall be performed without the consent of the inmate; or, if the inmate is a minor, without the consent of a responsible member of the inmate's family, a guardian, or one having legal custody of the minor; or, if the inmate be non compos mentis, then the consent of a responsible member of the inmate's family or of a guardian shall be obtained. Any surgical operations on inmates of State penal institutions shall also be subject to the provisions of Article 1A of Chapter 90 of the General Statutes, G.S. 90-21.13, and G.S. 90-21.16.

If the operation on the inmate is determined by the chief medical officer to be an emergency situation in which immediate action is necessary to preserve the life or health of the inmate, and the inmate, if sui juris, is unconscious or otherwise incapacitated so as to be incapable of giving consent or in the case of a minor or inmate non compos mentis, the consent of a responsible member of the inmate's family, guardian, or one having legal custody of the inmate cannot be obtained within the time necessitated by the nature of the emergency situation, then the decision to proceed with the operation shall be made by the chief medical officer and the superintendent of the institution with the advice of the medical staff of the institution.

In all cases falling under this section, the chief medical officer of the institution and the medical staff of the institution shall keep a careful and complete record of the measures taken to obtain the permission for the operation and a complete medical record signed by the medical superintendent or director, the surgeon performing the operation and all surgical consultants of the operation performed.

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.

|    |                                 |                         |  |  |                                        |            |  |      |
|----|---------------------------------|-------------------------|--|--|----------------------------------------|------------|--|------|
|    |                                 |                         |  |  |                                        |            |  |      |
|    | 1919                            |                         |  |  | 1962                                   |            |  | 2004 |
|    | TICK HEIGHT = ACTS IN THAT YEAR |                         |  |  | DASHED = RECODIFICATION, NOT AMENDMENT |            |  |      |
| Nº | YEAR                            | ACT                     |  |  |                                        | CHARACTER  |  |      |
| 01 | 1919                            | c. 281, ss. 1, 2        |  |  |                                        | ENACTED    |  |      |
| 02 | C.S.                            | ss. 7221, 7222          |  |  |                                        | RECODIFIED |  |      |
| 03 | 1947                            | c. 537, s. 24           |  |  |                                        | AMENDED    |  |      |
| 04 | 1951                            | c. 775                  |  |  |                                        | AMENDED    |  |      |
| 05 | 1957                            | c. 1357, s. 1           |  |  |                                        | AMENDED    |  |      |
| 06 | 1981                            | c. 307, ss. 2, 3        |  |  |                                        | AMENDED    |  |      |
| 07 | 2003                            | S.L. 2003-13, s. 8      |  |  |                                        | AMENDED    |  |      |
| 08 | 2004                            | S.L. 2004-203, s. 53(a) |  |  |                                        | AMENDED    |  |      |

APPARATUS II  
2 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. 90-21.13 |            | "Chapter 90 of the General Statutes,"      |
| G.S. 90-21.16 |            | "the General Statutes, G.S. 90-21.13, and" |

## APPARATUS III

## Citation

## FULL SECTION

N.C. Gen. Stat. § 148-22.2 (2004).

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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The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

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

(1919, c. 281, ss. 1, 2; C.S., ss. 7221, 7222; 1947, c. 537, s. 24; 1951, c. 775; 1957, c. 1357, s. 1; 1981, c. 307, ss. 2, 3; 2003-13, s. 8; 2004-203, s. 53(a).)

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