



CHAPTER 32A

ARTICLE 3 - HEALTH CARE POWERS OF ATTORNEY

N.C.G.S. § 32A-16.

Definitions.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2020-3, s. 4.10(a) — seventh act in the lineage	21 September 2026, 04:11 UTC	8ad6672ace99acdc15674c47 - e2893e2da2b6dd53980c50fd - ad1d47a50d2e471b

The following definitions apply in this Article:

Disposition of remains. - The decision to bury or cremate human remains, as human remains are defined in G.S. 90-210.121, and, subject to G.S. 32A-19(b), arrangements relating to burial or cremation.

Health care. - Any care, treatment, service, or procedure to maintain, diagnose, treat, or provide for the principal's physical or mental health or personal care and comfort including life-prolonging measures. "Health care" includes mental health treatment as defined in subdivision (8) of this section.

Health care agent. - The person appointed as a health care attorney-in-fact.

Health care power of attorney. - Except as provided in G.S. 32A-16.1, a written instrument that substantially meets the requirements of this Article, that is signed in the presence of two qualified witnesses, and acknowledged before a notary public, pursuant to which an attorney-in-fact or agent is appointed to act for the principal in matters relating to the health care of the principal. The notary who takes the acknowledgement may but is not required to be a paid employee of the attending physician or mental health treatment provider, a paid employee of a health facility in which the principal is a patient, or a paid employee of a nursing home or any adult care home in which the principal resides.

Life-prolonging measures. - Medical procedures or interventions which in the judgment of the attending physician would serve only to postpone artificially the moment of death by sustaining, restoring, or supplanting a vital function, including mechanical ventilation, dialysis, antibiotics, artificial nutrition and hydration, and similar forms of treatment. Life-prolonging measures do not include care necessary to provide comfort or to alleviate pain.

Principal. - The person making the health care power of attorney.

Qualified witness. - Except as provided in G.S. 32A-16.1, a witness in whose presence the principal has executed the health care power of attorney, who believes the principal to be of sound mind, and who states

that he or she (i) is not related within the third degree to the principal nor to the principal's spouse, (ii) does not know nor have a reasonable expectation that he or she would be entitled to any portion of the estate of the principal upon the principal's death under any existing will or codicil of the principal or under the Intestate Succession Act as it then provides, (iii) is not the attending physician or mental health treatment provider of the principal, nor a licensed health care provider who is a paid employee of the attending physician or mental health treatment provider, nor a paid employee of a health facility in which the principal is a patient, nor a paid employee of a nursing home or any adult care home in which the principal resides, and (iv) does not have a claim against any portion of the estate of the principal at the time of the principal's execution of the health care power of attorney.

Advance instruction for mental health treatment or advance instruction. - As defined in G.S. 122C-72(1).

Mental health treatment. - The process of providing for the physical, emotional, psychological, and social needs of the principal for the principal's mental illness. "Mental health treatment" includes electroconvulsive treatment, treatment of mental illness with psychotropic medication, and admission to and retention in a facility for care or treatment of mental illness.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
7 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.

1991				2006				2020			
TICK HEIGHT = ACTS IN THAT YEAR				DASHED = RECODIFICATION, NOT AMENDMENT							
Nº	YEAR	ACT						CHARACTER			
01	1991	c. 639, s. 1						ENACTED			
02	1998	S.L. 1998-198, s. 1						AMENDED			
03	1998	S.L. 1998-217, s. 53						AMENDED			
04	2005	S.L. 2005-351, s. 1						AMENDED			
05	2006	S.L. 2006-226, s. 32						AMENDED			
06	2007	S.L. 2007-502, s. 2						AMENDED			
07	2020	S.L. 2020-3, s. 4.10(a)						AMENDED			

APPARATUS II
4 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. 90-210.121	(null)(1)	"as human remains are defined in"
G.S. 32A-19(b)	(null)(1)	"in G.S. 90-210.121, and, subject to"
G.S. 32A-16.1	(null)(3)	"attorney. - Except as provided in"
G.S. 122C-72(1)	(null)(7)	"advance instruction. - As defined in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 32A-16 (2020).

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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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1991, c. 639, s. 1; 1998-198, s. 1; 1998-217, s. 53; 2005-351, s. 1; 2006-226, s. 32; 2007-502, s. 2; 2020-3, s. 4.10(a).)

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