

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1042

Short Title: Uniform Determ. of Death Act.

(Public)

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Sponsors: Representative Flaherty.

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Referred to: Judiciary III.

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April 22, 1991

A BILL TO BE ENTITLED

AN ACT TO ENACT THE UNIFORM DETERMINATION OF DEATH ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-323 is repealed.

Sec. 2. The title of Article 23 of Chapter 90 of the General Statutes reads as rewritten:

**"ARTICLE 23.**

**RIGHT TO NATURAL ~~DEATH~~; ~~BRAIN DEATH~~. DEATH."**

Sec. 3. Chapter 90 of the General Statutes is amended by adding the following new Article to read:

**"ARTICLE 23A.**

**"UNIFORM DETERMINATION OF DEATH ACT.**

**"§ 90-324. Short title; purpose.**

This Article shall be known and may be cited as the Uniform Determination of Death Act.

The purpose of this act is to make uniform the law respecting the subject matter of this act among the states enacting it. This act shall be applied and construed so as to effectuate its purpose.

**"§ 90-325. Determination of death.**

The determination that a person is dead shall be made by a physician licensed to practice medicine applying ordinary and accepted standards of medical practice. An individual shall be determined to be dead when the individual has sustained either (i) irreversible cessation of circulatory and respiratory functions, or (ii) irreversible cessation of all functions of the entire brain, including the brain stem."

1           Sec. 4. This act is effective upon ratification.