AN ACT TO AMEND ARTICLE 23 OF THE GENERAL STATUTES RELATING TO THE
RIGHT TO NATURAL DEATH AND BRAIN DEATH.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-320 of Article 23, as it appears in the 1977 Cumulative
Supplement to Volume 2C, 1975 Replacement, is amended as follows:

By adding at the end of such section the following: "Nothing in this Article shall impair or
supersede any legal right or legal responsibility which any person may have to effect the
withholding or withdrawal of life-sustaining procedures in any lawful manner. In such respect
the provisions of this Article are cumulative."

Sec. 2. G.S. 90-322 of Article 23, as it appears in the 1977 Cumulative Supplement
to Volume 2C, 1975 Replacement, is amended as follows:

In line 1, by striking out the words "Brain death" and inserting in lieu thereof
"Procedures for natural death in the absence of a declaration".

In line 7, by striking out the entire line and inserting in lieu thereof the following:
"irreversible; and".

In lines 12 and 13, by striking out the words "in addition to any other medically
recognized criteria for determining death, the person may be pronounced dead", and inserting
in lieu thereof the words "extraordinary means may be discontinued in accordance with
subsection (b)".

In line 14, by striking out the words "If a person has been pronounced dead in
accordance with subsection (a)", and inserting in lieu thereof the words "If a person's condition
has been determined to meet the conditions set forth in subsection (a) and no instrument has
been executed as provided in G.S. 90-321".

By striking out subsection (c) and renumbering subsection (d) as (c).

Sec. 3. Article 23 of the General Statutes, as it appears in the 1977 Cumulative Supplement to Volume 2C, 1975 Replacement, is amended by adding a new section reading as
follows:

§ 90-323. Death; determination by physician. — 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. Brain death, defined as irreversible cessation of total brain
function, may be used as a sole basis for the determination that a person has died, particularly
when brain death occurs in the presence of artificially maintained respiratory and circulatory
functions. This specific recognition of brain death as a criterion of death of the person shall not
preclude the use of other medically recognized criteria for determining whether and when a
person had died."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May,
1979.