

Part 2. Autopsies.

**§ 130A-398. Limitation on right to perform autopsy.**

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

- (1) The Chief Medical Examiner or a county medical examiner, acting pursuant to G.S. 130A-389, directs that an autopsy be performed;
- (2) 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;
- (3) A prosecuting officer or district attorney, acting pursuant to G.S. 15-7 in case of homicide, directs that an autopsy be performed;
- (4) The decedent directs in writing prior to death that an autopsy be performed upon the occurrence of the decedent's death;
- (4a) 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;
- (5) The personal representative of the estate of the decedent requests that an autopsy be performed upon the decedent; or
- (6) 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. (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.)