

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 694
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30319-LR-121

Short Title: First Responders/Medical POAs Required. (Public)

Sponsors: Representative McNeely.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING THAT EMPLOYEES WHO MUST RESPOND FIRST TO
3 EMERGENCIES MUST HAVE MEDICAL POWERS OF ATTORNEY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 3 of Chapter 95 of the General Statutes is amended by adding
6 a new section to read:

7 "**§ 95-28.5. First responder medical power of attorney required.**

8 (a) The following definitions apply in this section:

9 (1) Employing authority. – A State agency or a city, county, or other local
10 political subdivision of this State.

11 (2) First responder. – A public employee who is a law enforcement officer, a
12 firefighter, an emergency medical technician, or any other public employee
13 whose primary job duty is to respond to an emergency. The term does not
14 include volunteer firefighters.

15 (3) Private employee. – A person employed by a private employer.

16 (4) Private employer. – An employer who is not an employing authority as
17 defined by this subsection.

18 (5) Public employee. – A person employed by an employing authority.

19 (b) Each employing authority that employs public employee first responders shall require
20 that every first responder in its employment shall have a valid medical power of attorney to ensure
21 that every first responder will receive prompt and appropriate medical care under any
22 circumstances when the first responder becomes incapacitated or is otherwise unable to give
23 medical consent for treatment. The employing authority shall:

24 (1) Require that each first responder execute or produce a true copy of a valid
25 medical power of attorney.

26 (2) Maintain and provide access to a copy of the medical power of attorney in a
27 manner that allows its use promptly and effectively if the first responder is
28 incapacitated while responding to an emergency.

29 (3) Require that the first responder and the responder's supervisor review the
30 medical power of attorney annually as part of the employing authority's
31 employee performance review process.

32 (c) Each private employer in this State that employs private employee first responders
33 shall require that every first responder in its employment shall have a valid medical power of
34 attorney to ensure that every first responder will receive prompt and appropriate medical care
35 under any circumstances when the first responder becomes incapacitated or is otherwise unable
36 to give medical consent for treatment."



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SECTION 2. This act becomes effective January 1, 2022.