



HOUSE BILL 349: Modify HC POA/Adv Direct.

2025-2026 General Assembly

Committee: Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate **Date:** June 17, 2026

Introduced by: Reps. Huneycutt, Potts, Cunningham, **Prepared by:** Kara McCraw*
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Analysis of: Fourth Edition

OVERVIEW: *House Bill 349 would do the following:*

- *Allow attending physicians or other employees of health care providers or nursing homes who have (i) received training on recognizing competency and (ii) been designated by the employer to sign as witnesses for a Health Care Power of Attorney and an Advance Directive for a Natural Death.*
- *Require the Secretary of State to:*
 - *Accept documents filed in the Advance Health Care Directive Registry for registration in hard copy or electronic formats whether the document is notarized or not.*
 - *Accept HIPAA waivers for registration.*
 - *Remove records of deceased registrants.*

PART I. HEALTH CARE POWERS OF ATTORNEY

CURRENT LAW:

A Health Care Power of Attorney for a principal (individual executing the form) must be signed in the presence of two qualified witnesses and be acknowledged before a notary public. Witnesses must meet the following criteria:

1. Cannot be related to the principal or principal's spouse.
2. Cannot know or expect to inherit a portion of the principal's estate.
3. Cannot have a claim against the principal's estate.
4. Cannot be the attending physician or a paid employee of a health care provider treating the principal or a nursing home where the principal resides.

BILL ANALYSIS:

House Bill 349 would allow an attending physician or a paid employee of a health care provider treating the principal or a nursing home where the principal resides to serve as a witness if that individual both (1) received training on recognizing competency to sign the document and (2) was designated by the employer to serve as a witness.

Kara McCraw
Director



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PART II. ADVANCE HEALTH CARE DIRECTIVES UNDER G.S. 90-321

CURRENT LAW:

An Advanced Health Care Directive for a declarant (individual executing the form) must be signed in the presence of two qualified witnesses and be acknowledged before a notary public. Witnesses must meet the following criteria:

1. Cannot be related to the declarant or declarant's spouse.
2. Cannot know or expect to inherit a portion of the declarant's estate.
3. Cannot have a claim against the declarant's estate.
4. Cannot be the attending physician or a paid employee of a health care provider treating the declarant or a nursing home where the declarant resides.

BILL ANALYSIS:

House Bill 349 would allow an attending physician or a paid employee of a health care provider treating the declarant or a nursing home where the declarant resides to serve as a witness if that individual both (1) received training on recognizing competency to sign the document and (2) was designated by the employer to serve as a witness.

PART III. ELECTRONIC FILING OF DOCUMENTS WITH THE ADVANCE HEALTH CARE DIRECTIVE REGISTRY IN THE SECRETARY OF STATE'S OFFICE

CURRENT LAW:

Documents permitted to be filed in the Advance Health Care Directive Registry in the Secretary of State's Office (the Registry) must be hard copies and must be notarized even when notarization is not required for the validity of the document. These documents include health care powers of attorney and declarations of desire for a natural death.

BILL ANALYSIS:

House Bill 349 would require the Secretary of State to accept hard copies or electronic copies of permitted documents for filing in the Registry, accept HIPAA waivers for filing in the Registry, and accept permitted documents for filing in the Registry whether they are notarized or not. It would also provide the Secretary of State the authority to remove documents of deceased registrants upon written notification of the registrant's death.

EFFECTIVE DATE: This act would become effective October 1, 2026.

**Brian Gwyn and Debbie Griffiths, Staff Attorneys with the Legislative Analysis Division, substantially contributed to this summary.*