

Effective 1/1/2026

75A-9-115 Validity of advance health care directive -- Conflict with other law.

- (1) An advance health care directive created outside this state is valid if it complies with:
 - (a) the law of the state specified in the directive or, if a state is not specified, the state in which the individual created the directive; or
 - (b) this chapter.
- (2) A person may assume without inquiry that an advance health care directive is genuine, valid, and still in effect, and may implement and rely on it, unless the person has good cause to believe the directive is invalid or has been revoked.
- (3) An advance health care directive, revocation of a directive, or a signature on a directive or revocation may not be denied legal effect or enforceability solely because it is in electronic form.
- (4) Evidence relating to an advance health care directive, revocation of a directive, or a signature on a directive or revocation may not be excluded in a proceeding solely because the evidence is in electronic form.
- (5) This chapter does not affect the validity of an electronic record or signature that is valid under Title 46, Chapter 4, Uniform Electronic Transactions Act.
- (6) If this chapter conflicts with other law of this state relating to the creation, execution, implementation, or revocation of an advance health care directive, this chapter prevails.

Enacted by Chapter 439, 2025 General Session