

House Bill 1585 (AS PASSED HOUSE AND SENATE)

By: Representative Mobley of the 69th

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 16-5-100 of the Official Code of Georgia Annotated, relating to
2 cruelty to a person 65 years of age or older, so as to provide for additional acts of harm and
3 better define the exceptions; to add exceptions; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 16-5-100 of the Official Code of Georgia Annotated, relating to cruelty to a
8 person 65 years of age or older, is amended by striking subsections (a) and (b) and inserting
9 in lieu thereof the following:

10 "(a) A guardian or other person supervising the welfare of or having immediate charge or
11 custody of a person who is 65 years of age or older commits the offense of cruelty to a
12 person who is 65 years of age or older when ~~such~~ the person willfully deprives ~~such a~~
13 person who is 65 years of age or older of health care, shelter, or necessary sustenance to
14 the extent that the health or well-being of ~~such a~~ person who is 65 years of age or older is
15 jeopardized.

16 (b) The provisions of this Code section shall not apply to a physician nor any person acting
17 under his or her direction nor to a hospital, skilled nursing facility, hospice, nor any agent
18 or employee thereof who is in good faith following a course of treatment developed in
19 accordance with accepted medical standards or who is acting in good faith in accordance
20 with a living will as provided in Chapter 32 of Title 31, a durable power of attorney for
21 health care as provided in Chapter 36 of Title 31, an order not to resuscitate as provided in
22 Chapter 39 of Title 31, or the instructions of the patient or the patient's lawful surrogate
23 decision maker, nor shall the provisions of this Code section require any physician, any
24 institution licensed in accordance with Chapter 7 of Title 31 or any employee or agent
25 thereof to provide health care services or shelter to any person in the absence of another
26 legal obligation to do so.

1 (c) The provisions of this Code section shall not apply to a guardian or other person
2 supervising the welfare of or having immediate charge or control of a person who is 65
3 years of age or older who in good faith provides treatment by spiritual means alone through
4 prayer for the person's physical or mental condition, in lieu of medical treatment, in
5 accordance with the practices of and written notarized consent of the person."

6 **SECTION 2.**

7 All laws and parts of laws in conflict with this Act are repealed.