

Senator Squires of the 5th offered the following substitute to SB 23:

MOOT

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 9 of Title 31 of the Official Code of Georgia Annotated, relating to
2 informed consent to medical treatment, so as to require and provide standards for informed
3 consent to medical procedures; to enact the "Right To Know Act for Women and Men"; to
4 provide for matters required to be disclosed and for the manner of disclosure; to provide for
5 standards of professional conduct; to provide for related matters; to make conforming
6 amendments to existing law; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

SECTION 1.

8 Chapter 9 of Title 31 of the Official Code of Georgia Annotated, relating to informed consent
9 to medical treatment, is amended by designating the existing text of the chapter as Article 1
10 and by adding thereafter a new Article 2 to read as follows:
11

"ARTICLE 2

12 31-9-20.

13 This article shall be known and may be cited as the 'Right To Know Act for Women and
14 Men.'
15

16 31-9-21.

17 No medical procedure shall be performed or induced without the voluntary and informed
18 consent of the person upon whom the procedure is to be performed. Except in the case of
19 a medical emergency, consent to a medical procedure is voluntary and informed only if,
20 prior to a medical or surgical procedure, the physician who is to perform the procedure has
21 informed the person in writing of:

- 22 (1) The name of the physician who will perform the procedure;
23 (2) A description of the procedure; and

1 (3) A description of risks related to the procedure.

2 This Code section shall apply to those medical and surgical procedures as described in
3 subsection (a) of Code Section 31-9-6.1 as well as to any medical procedure that subjects
4 the patient to risk of harm or injury.

5 31-9-22.

6 Any physician who intentionally, knowingly, or recklessly fails to provide informed
7 consent pursuant to this article is guilty of unprofessional conduct for purposes of Code
8 Section 43-34-37, relating to disciplinary licensing sanctions against physicians.

9 31-9-23.

10 Any physician who complies with the provisions of this article shall not be held civilly
11 liable to a patient for failure to obtain informed consent to the procedure."

12 SECTION 2.

13 Said chapter is further amended by striking Code Section 31-9-1, which provides a short title,
14 and inserting in its place a new Code section to read as follows:

15 "31-9-1.

16 This ~~chapter~~ article shall be known and may be cited as the 'Georgia Medical Consent
17 Law."

18 SECTION 3.

19 Said chapter is further amended by striking Code Section 31-9-4, relating to applicability of
20 the informed consent law to certain patients, and inserting in its place a new Code section to
21 read as follows:

22 "31-9-4.

23 This ~~chapter~~ article shall be applicable to the care and treatment of patients in facilities for
24 the mentally ill as defined in paragraph (7) of Code Section 37-3-1."

25 SECTION 4.

26 Said chapter is further amended by striking Code Section 31-9-5, relating to applicability of
27 the informed consent law to abortion and sterilization procedures, and inserting in its place
28 a new Code section to read as follows:

29 "31-9-5.

30 This ~~chapter~~ article shall not apply in any manner whatsoever to abortion and sterilization
31 procedures, which procedures shall ~~continue to~~ be governed by ~~existing~~ law independently
32 of the terms and provisions of this ~~chapter~~ article."

SECTION 7.

Said chapter is further amended by striking Code Section 31-9-7, relating to right to refuse consent at age 18, and inserting in its place a new Code section to read as follows:

"31-9-7.

Nothing contained in this ~~chapter~~ article shall be construed to abridge any right of a person 18 years of age or over to refuse to consent to medical and surgical treatment as to his or her own person."

SECTION 8.

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