

House Bill 700

By: Representatives Gardner of the 42nd, Post 3, Oliver of the 56th, Post 2 and Moraitakis of the 42nd, Post 4

**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 consent for surgical or medical treatment, so as to provide for persons appointed as
3 representatives of mentally ill or mentally retarded persons to give consent for surgical or
4 medical treatment; to provide for applicability; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

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

7 **SECTION 1.**

8 Chapter 9 of Title 31 of the Official Code of Georgia Annotated, relating to consent for
9 surgical or medical treatment, is amended by striking paragraph (6) of subsection (a) of Code
10 Section 31-9-2, relating to persons authorized to consent to surgical or medical treatment,
11 and inserting in its place the following:

12 "(6) Upon the inability of any adult to consent for himself or herself and in the absence
13 of any person to consent under paragraphs (2) through (5) of this subsection, the
14 following persons in the following order of priority:

15 (A) Any adult child for his or her parents;
16 (B) Any parent for his or her adult child;
17 (C) Any adult for his or her brother or sister; or
18 (D) Any grandparent for his or her grandchild; or
19 (E) Any person appointed as a representative under Code Section 37-3-147 or
20 37-4-107."

21 **SECTION 2.**

22 Said chapter is further amended by striking Code Section 31-9-4, relating to applicability of
23 chapter to care and treatment of mentally ill, and inserting in its place the following:

1 "31-9-4.

This chapter shall be applicable to the care and treatment of patients in facilities for the mentally ill as defined in paragraph (7) of Code Section 37-3-1 and to the care and habilitation of clients in facilities for the mentally retarded as defined in paragraph (6) of Code Section 37-4-2."

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SECTION 3.

7 All laws and parts of laws in conflict with this Act are repealed.