

The House Committee on Judiciary offers the following substitute to SB 533:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 32 of Title 31 of the Official Code of Georgia Annotated, relating to  
2 living wills, so as to revise the statutory living will form; to provide for related matters; to  
3 provide for an effective date and applicability; to repeal conflicting laws; and for other  
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 32 of Title 31 of the Official Code of Georgia Annotated, relating to living wills, is  
8 amended by striking subsection (b) of Code Section 31-32-3, relating to execution of living  
9 wills, witnesses, and forms; and inserting in its place the following:

10 "(b) The declaration shall be a document, separate and self-contained. Any declaration  
11 which constitutes an expression of the declarant's intent shall be honored, regardless of the  
12 form used or when executed. Declarations executed on or after March 28, 1986, shall be  
13 valid indefinitely unless revoked. A declaration similar to the following form or in  
14 substantially the form specified under prior law shall be presumed on its face to be valid  
15 and effective:

16 **LIVING WILL**

17 Living will made this \_\_\_\_\_ day of \_\_\_\_\_ (month, year).

18 I, \_\_\_\_\_, being of sound mind, willfully and voluntarily make  
19 known my desire that my life shall not be prolonged under the circumstances set forth  
20 below and do declare:

21 1. If at any time I should (~~check each option desired~~ my initials indicate each option  
22 desired):

1 (A) ~~Have have~~ a terminal condition; as defined in paragraph (13) of Code Section  
2 31-32-3

3 \_\_\_\_\_ (Initial)

4 (B) ~~Become become~~ in a coma, as defined in paragraph (2) of Code Section 31-32-3,  
5 with no reasonable expectation of regaining consciousness;

6 \_\_\_\_\_ (Initial)

7 or

8 (C) ~~Become become~~ in a persistent vegetative state, as defined in paragraph (9) of  
9 Code Section 31-32-3, with no reasonable expectation of regaining significant  
10 cognitive function,

11 \_\_\_\_\_ (Initial)

12 ~~as defined in and established in accordance with the procedures set forth in paragraphs~~  
13 ~~(2), (9), and (13) of Code Section 31-32-2 of the Official Code of Georgia Annotated,~~

14 I direct ~~that~~ the application of the following life-sustaining procedures to my body and  
15 that I be permitted to die (check the my initials indicate the option desired):

16 (A) I will receive no nourishment or fluids including ~~nourishment and hydration,~~

17 \_\_\_\_\_ (Initial)

18 (B) I will receive fluids, but not nourishment including ~~nourishment but not~~  
19 ~~hydration, or~~

20 \_\_\_\_\_ (Initial)

21 (C) I will receive nourishment, but not fluids

22 \_\_\_\_\_ (Initial)

23 or

24 (D) I will receive nourishment and fluids excluding ~~nourishment and hydration,~~

25 \_\_\_\_\_ (Initial)

26 ~~be withheld or withdrawn and that I be permitted to die;~~

27 2. In the absence of my ability to give directions regarding the use of such  
28 life-sustaining procedures, it is my intention that this living will shall be honored by my  
29 family and physician(s) as the final expression of my legal right to refuse medical or  
30 surgical treatment and accept the consequences from such refusal;

31 3. I understand that I may revoke this living will at any time;

32 4. I understand the full import of this living will, and I am at least 18 years of age and  
33 am emotionally and mentally competent to make this living will; and



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Witness: \_\_\_\_\_

Medical director of skilled  
nursing facility or staff  
physician not participating  
in care of the patient or  
chief of the hospital  
medical staff or staff  
physician or hospital  
designee not participating  
in care of the patient."

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**SECTION 2.**

This Act shall become effective on July 1, 2006. Any declaration which is in essence a living will, using the form specified in Code Section 31-32-3 as amended by this Act or a form specified under prior provisions of such Code section, shall continue to be valid and effective on and after July 1, 2006.

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**SECTION 3.**

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