

House Bill 69

By: Representatives Jerguson of the 22<sup>nd</sup>, Cooper of the 41<sup>st</sup>, Channell of the 116<sup>th</sup>, Mitchell of the 88<sup>th</sup>, and Kaiser of the 59<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 39 of Title 31 of the Official Code of Georgia Annotated, relating to  
2 cardiopulmonary resuscitation, so as to clarify provisions relating to a candidate for  
3 nonresuscitation and authorization for an order not to resuscitate and to remove statutory  
4 ambiguity; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 39 of Title 31 of the Official Code of Georgia Annotated, relating to  
8 cardiopulmonary resuscitation, is amended by revising paragraph (4) of Code Section  
9 31-39-2, relating to definitions pertaining to cardiopulmonary resuscitation, as follows:

10 "(4) 'Candidate for nonresuscitation' means a patient who, based on a determination to  
11 a reasonable degree of medical certainty by an attending physician ~~with the concurrence~~  
12 ~~of another physician:~~

13 (A) Has a medical condition which can reasonably be expected to result in the  
14 imminent death of the patient;

15 (B) Is in a noncognitive state with no reasonable possibility of regaining cognitive  
16 functions; or

17 (C) Is a person for whom cardiopulmonary resuscitation would be medically futile in  
18 that such resuscitation will likely be unsuccessful in restoring cardiac and respiratory  
19 function or will only restore cardiac and respiratory function for a brief period of time  
20 so that the patient will likely experience repeated need for cardiopulmonary  
21 resuscitation over a short period of time or that such resuscitation would be otherwise  
22 medically futile."

23 style="text-align:center">**SECTION 2.**

24 Said chapter is further amended by revising subsection (a) of Code Section 31-39-4, relating  
25 to persons authorized to issue an order not to resuscitate, as follows:

26 "(a) Where there has been consent by an authorized person pursuant to subsection (b), (c),  
27 or (d) of this Code section or a decision by two physicians pursuant to subsection (e) of this  
28 Code section, then it It shall be lawful for the attending physician to issue an order not to  
29 resuscitate a candidate for nonresuscitation pursuant to the requirements of this chapter.  
30 Any written order issued by the attending physician using the term 'do not resuscitate,'  
31 'DNR,' 'order not to resuscitate,' 'no code,' or substantially similar language in the patient's  
32 chart shall constitute a legally sufficient order and shall authorize a physician, health care  
33 professional, or emergency medical technician to withhold or withdraw cardiopulmonary  
34 resuscitation. Such an order shall remain effective, whether or not the patient is receiving  
35 treatment from or is a resident of a health care facility, until the order is canceled as  
36 provided in Code Section 31-39-5 or until consent for such order is revoked as provided  
37 in Code Section 31-39-6, whichever occurs earlier. An attending physician who has issued  
38 such an order and who transfers care of the patient to another physician shall inform the  
39 receiving physician and the health care facility, if applicable, of the order."

40 **SECTION 3.**

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