

The House Committee on Judiciary Non-civil offers the following substitute to HB 1114:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to homicide, so as to repeal certain provisions regarding offering to assist in the  
3 commission of a suicide; to prohibit assisted suicide; to provide for definitions; to provide  
4 for criminal penalties; to provide for certain exceptions; to provide for certain reporting  
5 requirements with respect to being convicted of assisting in a suicide; to amend Title 51 of  
6 the Official Code of Georgia Annotated, relating to torts, so as to provide for an award of  
7 attorney's fees and expenses of litigation in wrongful death actions under certain  
8 circumstances; to provide for reporting requirements with respect to a civil judgment against  
9 a health care provider; to provide for applicability; to provide an effective date; to repeal  
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Article 1 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to  
14 homicide, is amended by repealing Code Section 16-5-5, relating to offering to assist in the  
15 commission of a suicide, and enacting a new Code Section 16-5-5 to read as follows:

16 "16-5-5.

17 (a) As used in this Code section, the term:

18 (1) 'Assists' means the act of physically helping or physically providing the means.

19 (2) 'Health care provider' means any person licensed, certified, or registered under  
20 Chapter 9, 10A, 11, 11A, 26, 28, 30, 33, 34, 35, 39, or 44 of Title 43.

21 (3) 'Suicide' means the intentional and willful termination of one's own life.

22 (b) Any person with actual knowledge that a person intends to commit suicide who  
23 knowingly and willfully assists such person in the commission of such person's suicide  
24 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment  
25 for not less than one nor more than ten years.

26 (c) The provisions of this Code section shall not apply to:

- 27 (1) Pursuant to a patient's consent, any person prescribing, dispensing, or administering  
 28 medications or medical procedures when such actions are calculated or intended to  
 29 relieve or prevent such patient's pain or discomfort but are not calculated or intended to  
 30 cause such patient's death, even if the medication or medical procedure may have the  
 31 effect of hastening or increasing the risk of death;
- 32 (2) Pursuant to a patient's consent, any person discontinuing, withholding, or  
 33 withdrawing medications or medical procedures;
- 34 (3) Any person prescribing, dispensing, or administering medications or medical  
 35 procedures pursuant to, without limitation, a living will, a durable power of attorney for  
 36 health care, an advance directive for health care, a consent pursuant to Code Section  
 37 31-9-2, a Physician Order for Life-sustaining Treatment developed pursuant to  
 38 subsection (1) of Code Section 29-4-18, or a written order not to resuscitate when such  
 39 actions are calculated or intended to relieve or prevent a patient's pain or discomfort but  
 40 are not calculated or intended to cause such patient's death, even if the medication or  
 41 medical procedure may have the effect of hastening or increasing the risk of death;
- 42 (4) Any person discontinuing, withholding, or withdrawing medications or medical  
 43 procedures or advocacy pursuant to, without limitation, a living will, a durable power of  
 44 attorney for health care, an advance directive for health care, a consent pursuant to Code  
 45 Section 31-9-2, a Physician Order for Life-sustaining Treatment developed pursuant to  
 46 subsection (1) of Code Section 29-4-18, or a written order not to resuscitate; or
- 47 (5) Any person advocating on behalf of a patient in accordance with this subsection.
- 48 (d) Within ten days of a conviction, a health care provider who is convicted of violating  
 49 this Code section shall notify in writing the applicable licensing board for his or her  
 50 licensure, certification, registration, or other authorization to conduct such health care  
 51 provider's occupation. Upon being notified and notwithstanding any law, rule, or  
 52 regulation to the contrary, the appropriate licensing board shall revoke the license,  
 53 certification, registration, or other authorization to conduct such health care provider's  
 54 occupation."

## 55 SECTION 2.

56 Title 51 of the Official Code of Georgia Annotated, relating to torts, is amended in Chapter  
 57 4, relating to wrongful death, by adding two new Code sections to read as follows:

58 "51-4-6.

59 The court may award reasonable attorney's fees and expenses of litigation to a plaintiff who  
 60 prevails in a civil action for a homicide in which the death results from a violation of Code  
 61 Section 16-5-5.

62 51-4-7.

63 (a) As used in this Code section, the term 'health care provider' shall have the same  
64 meaning as set forth in Code Section 16-5-5.

65 (b) Within ten days of a judgment, a health care provider against whom a judgment has  
66 been obtained under the provisions of this chapter shall notify in writing the applicable  
67 licensing board for his or her licensure, certification, registration, or other authorization to  
68 conduct such health care provider's occupation so that disciplinary action may be taken as  
69 determined necessary by the applicable board."

70 **SECTION 3.**

71 This Act shall not apply to any offense committed before the effective date of this Act.

72 **SECTION 4.**

73 This Act shall become effective upon its approval by the Governor or upon its becoming law  
74 without such approval.

75 **SECTION 5.**

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