

The Senate Judiciary Committee offered 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 Code Section
6 16-14-3 of the Official Code of Georgia Annotated, relating to definitions for the "Georgia
7 RICO (Racketeer Influenced and Corrupt Organizations) Act," so as to provide for assisted
8 suicide as racketeering activity; to amend Title 51 of the Official Code of Georgia Annotated,
9 relating to torts, so as to provide for an award of attorney's fees and expenses of litigation in
10 wrongful death actions under certain circumstances; to provide for reporting requirements
11 with respect to a civil judgment against a health care provider; to provide for applicability;
12 to provide an effective date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 SECTION 1.

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

18 "16-5-5.

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

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

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

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

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

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

29 (1) Pursuant to a patient's consent or a consent pursuant to Code Section 29-4-18 or
 30 31-9-2, any person prescribing, dispensing, or administering medications or medical
 31 procedures when such actions are calculated or intended to relieve or prevent such
 32 patient's pain or discomfort but are not calculated or intended to cause such patient's
 33 death, even if the medication or medical procedure may have the effect of hastening or
 34 increasing the risk of death;

35 (2) Pursuant to a patient's consent or a consent pursuant to Code Section 29-4-18 or
 36 31-9-2, any person discontinuing, withholding, or withdrawing medications, medical
 37 procedures, nourishment, or hydration;

38 (3) Any person prescribing, dispensing, or administering medications or medical
 39 procedures pursuant to, without limitation, a living will, a durable power of attorney for
 40 health care, or an advance directive for health care; provided, however, that nothing in
 41 this paragraph shall be construed to condone, authorize, or approve mercy killing or to
 42 permit any affirmative or deliberate act or omission to end life other than to permit the
 43 process of dying as provided in Chapter 32 of Title 31;

44 (4) Any person discontinuing, withholding, or withdrawing medications, medical
 45 procedures, nourishment, or hydration pursuant to, without limitation, a living will, a
 46 durable power of attorney for health care, an advance directive for health care, or a
 47 written order not to resuscitate; or

48 (5) Any person advocating on behalf of a patient in accordance with this subsection.

49 (d) Within ten days of a conviction, a health care provider who is convicted of violating
 50 this Code section shall notify in writing the applicable licensing board for his or her
 51 licensure, certification, registration, or other authorization to conduct such health care
 52 provider's occupation. Upon being notified and notwithstanding any law, rule, or
 53 regulation to the contrary, the appropriate licensing board shall revoke the license,
 54 certification, registration, or other authorization to conduct such health care provider's
 55 occupation."

56 **SECTION 2.**

57 Code Section 16-14-3 of the Official Code of Georgia Annotated, relating to definitions for
 58 the "Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act," is amended by
 59 striking "or" at the end of division (9)(A)(xxxix), by striking the period and inserting in its
 60 place "; or" at the end of division (9)(A)(xl), and by adding a new division to read as follows:

61 "(xli) Code Section 16-5-5, relating to assisted suicide."

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SECTION 3.

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

"51-4-6.

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

51-4-7.

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

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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