

Senate Bill 146

By: Senators James of the 35th, Rhett of the 33rd, Davenport of the 44th and Henson of the 41st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 require that electroconvulsive therapy be performed only by physicians; to provide for
3 definitions; to prohibit the use of electroconvulsive therapy on persons who are less than 16
4 years of age and on certain other individuals in certain circumstances; to require informed,
5 written consent prior to the performance of electroconvulsive therapy on an individual; to
6 provide for physician reports on the use of electroconvulsive therapy; to provide for public
7 reporting of the use of electroconvulsive therapy; to provide for rules and regulations; to
8 provide for criminal penalties; to provide for related matters; to repeal conflicting laws; and
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding
13 a new chapter to read as follows:

14 "CHAPTER 53

15 31-53-1.

16 As used in this chapter, the term:

17 (1) 'Electroconvulsive therapy' means any procedure during which an electric stimulus
18 is applied to the brain for the purpose of intentionally triggering a seizure.

19 (2) 'Physician' means an individual licensed to practice medicine under Article 2 of
20 Chapter 34 of Title 43.

21 31-53-2.

22 (a) Electroconvulsive therapy shall only be performed by a physician.

23 (b) No electroconvulsive therapy shall be performed or attempted to be performed on any
24 individual who is 16 years of age or younger.

25 (c) Electroconvulsive therapy shall not be performed or attempted to be performed on any
26 individual, including, but not limited to, individuals involuntarily or voluntarily detained
27 or hospitalized for mental health treatment, without such individual's written consent as
28 provided for in Code Section 31-53-3.

29 31-53-3.

30 (a) No physician shall perform or attempt to perform any electroconvulsive therapy on an
31 individual without the informed, written consent of such individual. Such written consent
32 shall clearly and explicitly state the nature and purpose of the procedure and the nature,
33 degree, duration, and probability of the side effects and the significant risks of treatment
34 commonly known, including, but not limited to, the possibility of death and the degree and
35 duration of memory loss, brain damage, physical trauma, fractures, cardiac ischemia,
36 cardiac arrhythmias, prolonged apnea, post-treatment confusion, prolonged seizures,
37 treatment-emergent mania, exacerbation of psychiatric symptoms, headache, muscle
38 soreness, and nausea and vomiting.

39 (b) An individual shall receive a written copy of the consent form provided for in
40 subsection (a) of this Code section in the language which is such person's primary language
41 and at least 24 hours prior to the initiation of electroconvulsive therapy. The individual
42 shall sign such consent form after a review of the written consent with the physician and
43 the physician shall sign such consent form indicating that he or she has personally reviewed
44 the written consent with the individual.

45 31-53-4.

46 (a) Any physician who performs or attempts to perform electroconvulsive therapy shall
47 report to the department such performance or such attempt to perform such procedure in
48 accordance with forms and rules and regulations adopted and promulgated by the
49 department.

50 (b) By June 30 of each year, the department shall issue a public report providing statistics
51 for the previous calendar year compiled from all reports covering that year submitted in
52 accordance with subsection (a) of this Code section. Each such report shall also provide
53 the statistics for all previous calendar years during which this Code section was in effect,
54 adjusted to reflect any additional information from late or corrected reports. The
55 department shall take care to ensure that none of the information included in the public
56 reports could reasonably lead to the identification of any person treated with
57 electroconvulsive therapy. The department shall provide a copy of such report to the
58 Governor, the President of the Senate, the Speaker of the House of Representatives, and

59 the chairpersons of the House Committee on Health and Human Services and Senate
60 Health and Human Services Committee.
61 (c) Any person who violates this Code section shall be guilty of a misdemeanor; provided,
62 however, that any physician who performs or attempts to perform electroconvulsive
63 therapy in violation of this chapter shall, for a first offense, be guilty of a misdemeanor and
64 for a second or subsequent offense, be guilty of a misdemeanor of a high and aggravated
65 nature."

66 **SECTION 2.**

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