

House Bill 1114 (AS PASSED HOUSE AND SENATE)

By: Representatives Setzler of the 35th, Golick of the 34th, Ramsey of the 72nd, Pak of the 102nd, Lindsey of the 54th, and others

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 reporting requirements with respect to a civil judgment
10 against a health care provider; to provide for applicability; to provide an effective date; to
11 repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

17 "16-5-5.

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

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

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

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

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

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

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

33 (2) Pursuant to a patient's consent, any person discontinuing, withholding, or
 34 withdrawing medications, medical procedures, nourishment, or hydration;

35 (3) Any person prescribing, dispensing, or administering medications or medical
 36 procedures pursuant to, without limitation, a living will, a durable power of attorney for
 37 health care, an advance directive for health care, or a consent pursuant to Code Section
 38 29-4-18 or 31-9-2 when such actions are calculated or intended to relieve or prevent a
 39 patient's pain or discomfort but are not calculated or intended to cause such patient's
 40 death, even if the medication or medical procedure may have the effect of hastening or
 41 increasing the risk of death;

42 (4) Any person discontinuing, withholding, or withdrawing medications, medical
 43 procedures, nourishment, or hydration pursuant to, without limitation, a living will, a
 44 durable power of attorney for health care, an advance directive for health care, a consent
 45 pursuant to Code Section 29-4-18 or 31-9-2, or a written order not to resuscitate; or

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

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

54 **SECTION 2.**

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

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

60 **SECTION 3.**

61 Title 51 of the Official Code of Georgia Annotated, relating to torts, is amended in Chapter
 62 4, relating to wrongful death, by adding a new Code section to read as follows:

63 "51-4-6.

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

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

71 **SECTION 4.**

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

73 **SECTION 5.**

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

76 **SECTION 6.**

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