

House Bill 1104

By: Representatives Townsend of the 179th, Glaize of the 67th, Stephens of the 164th, Mathiak of the 82nd, Au of the 50th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 31-9-6.1 of the Official Code of Georgia Annotated, relating to
2 required disclosures and consent for certain procedures, exceptions, and rules and
3 regulations, so as to prohibit certain examinations on an unconscious patient or a patient
4 undergoing anesthesia without prior informed consent or authorization; to provide that
5 informed consent shall be deemed valid consent for all medical personnel under certain
6 conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 31-9-6.1 of the Official Code of Georgia Annotated, relating to required
10 disclosures and consent for certain procedures, exceptions and rules, and regulations, is
11 amended by adding a new subsection to read as follows:

12 "(i)(1) Except as otherwise provided for in subsection (e) of this Code section, a
13 responsible physician shall not perform a breast, pelvic, prostate, or rectal examination
14 on an unconscious patient or a patient undergoing any anesthesia as provided in
15 subsection (a) of this Code section unless the patient or a person authorized to consent
16 for the patient gives informed consent prior to such examination, the performance of such

17 examination is within the scope of care ordered for the patient, such examination is
18 medically necessary for diagnosis or treatment purposes, or a court has ordered the
19 performance of any such examination for the purposes of evidence collection.
20 (2) Informed consent to a breast, pelvic, prostate, or rectal examination obtained pursuant
21 to this subsection shall be deemed to be valid consent for the responsible physician and
22 all medical personnel under the direct supervision and control of the responsible
23 physician and for all other medical personnel otherwise involved in the course of
24 treatment of the patient's condition, provided that the patient is informed that such other
25 medical personnel may perform the examination."

26 **SECTION 2.**

27 All laws and parts of laws in conflict with this Act are repealed.