1984

HEALTH Living Wills: Certain Form

Georgia State University Law Review

Follow this and additional works at: http://readingroom.law.gsu.edu/gsulr

Part of the Law Commons

Recommended Citation
Available at: http://readingroom.law.gsu.edu/gsulr/vol1/iss2/28

This Peach Sheet is brought to you for free and open access by the Publications at Reading Room. It has been accepted for inclusion in Georgia State University Law Review by an authorized administrator of Reading Room. For more information, please contact jgermann@gsu.edu.
HEALTH

Living Wills: Certain Form

Code Section: O.C.G.A. § 31-32-9 (amended)
Bill Number: SB 191
Act Number: 387
Summary: The Act allows medical and health care facilities to provide living will forms to patients if a specific request is made by a patient wanting to execute such a will.

History

Georgia's living will statute was enacted in 1984, fifteen years after Luis Kutner introduced the concept. The statute allows a competent adult to execute a living will which expressly declines extraordinary treatment to maintain life in terminal cases. The living will allows a person to set out specific procedures to be followed in the event his condition becomes terminal. If there is no hope of recovery, then no action will be taken to prolong his life. The primary advantage of the living will is that it enables a person to consider his future condition and make a decision that he knows will be respected.

Prior law prohibited a "hospital, skilled nursing facility, or other medical or health care facility" from preparing, offering to prepare, or providing the forms for a living will. Medical and health care facilities were powerless to act even if the patient requested a living will.

SB 191

SB 191 was enacted to remedy the dilemma of medical and health care facilities. O.C.G.A. § 31-32-9(d) allows the facility to provide forms only when a specific request is made by a person desiring to execute a living will.