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HEALTH Living Wills: Certain Form

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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 statute¹ was enacted in 1984, fifteen years after Luis Kutner introduced the concept.² 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.³

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.⁴ 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.

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1. 1984 Ga. Laws 1477 and 1984 Ga. Laws 1680.
 2. See Kutner, *Due Process of Euthanasia: The Living Will A Proposal*, 44 IND. L.J. 539 (1969).
 3. See generally Stanford, *The Georgia Living Will*, GA. ST. B.J., August, 1984 at 15.
 4. O.C.G.A. § 31-32-9(d) (Supp. 1984).