Georgia State University Law Review

Volume 1 Issue 2 Spring 1985

Article 28

5-15-2012

HEALTH Living Wills: Certain Form

Georgia State University Law Review

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



Part of the Law Commons

Recommended Citation

Georgia State University Law Review (1984) "HEALTH Living Wills: Certain Form," Georgia State University Law Review: Vol. 1: Iss. 2, Article 28.

Available at: http://digitalarchive.gsu.edu/gsulr/vol1/iss2/28

This Peach Sheet is brought to you for free and open access by the College of Law Publications at Digital Archive @ GSU. It has been accepted for inclusion in Georgia State University Law Review by an authorized administrator of Digital Archive @ GSU. For more information, please contact digitalarchive@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 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. 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.

309

^{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).