

“Subtitle 6. Health Care Decision Making and Advance Medical Directives Act”

Annotated Code of Maryland
(1990 Replacement Volume and 1992 Supplement)

~~BY repealing and reenacting, with amendments, and renumbering
Article — Health — General
Section 5-602, 5-604, 5-605, 5-607, and 5-610 through 5-612, respectively
to be Section 20A-406 through 20A-412, respectively
Annotated Code of Maryland
(1990 Replacement Volume and 1992 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 13-601, 13-707(a), and 13-708(a) and (c)
Annotated Code of Maryland
(1991 Replacement Volume and 1992 Supplement)

BY adding to
Article – Estates and Trusts
Section 13-711 through 13-713, inclusive, to be under the new part “Part III.
Life-Sustaining Procedures”
Annotated Code of Maryland
(1991 Replacement Volume and 1992 Supplement)

Preamble

~~WHEREAS, The constitutional law of this nation recognizes an individual’s right to personal health care decision making, complementing the common law doctrine of informed consent; and~~

~~WHEREAS, The people of Maryland have a constitutional liberty interest in making health care decisions in accordance with their own values; and~~

~~WHEREAS, The State is constitutionally permitted to enact reasonable safeguards to protect the integrity of individual health care decisions, to protect the vulnerable and the dependent, including some people with disabilities and some elderly people, and to assure that health care decisions made by a surrogate on behalf of an incapacitated patient are in keeping with the wishes of the patient or are in the best interest of the patient; and~~

~~WHEREAS, The balance struck by this law furthers the preeminent societal value that the life of every individual has worth in and of itself and is not to be devalued by reason of an individual’s incapacity or perceived diminished “quality of life”, whether because of emotional, mental, or physical disability or because of advanced age or economic disadvantage; and~~