

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 interest in making lawful health care decisions in accordance with their own values; and

WHEREAS, The State is constitutionally permitted to enact reasonable safeguards to assure that health care decisions made by others 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 Act reflects the 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 age or economic disadvantage; and

WHEREAS, It is the intent of the General Assembly that this Act advance the interests and wishes of the individuals whose life and health may be affected by its provisions, not the interests and wishes of others, including those who are granted authority under this Act to act on behalf of an individual; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 5-601 through 5-614, inclusive, and the subtitle "Subtitle 6. Life-Sustaining Procedures"; and 20-107 of Article - Health - General of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Health - General

SUBTITLE 6. HEALTH CARE DECISION ACT

5-601. DEFINITIONS.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "ADVANCE DIRECTIVE" MEANS:

(1) A WITNESSED WRITTEN DOCUMENT, VOLUNTARILY EXECUTED BY THE DECLARANT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBTITLE; OR

(2) A WITNESSED ORAL STATEMENT, MADE BY THE DECLARANT IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE.

(C) "AGENT" MEANS AN ADULT APPOINTED BY THE DECLARANT UNDER AN ADVANCE DIRECTIVE MADE IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE TO MAKE HEALTH CARE DECISIONS FOR THE DECLARANT.