

13-712. SUBSTITUTED JUDGMENT; EVIDENCE.

(A) THE COURT MAY APPROVE A REQUEST FOR THE WITHHOLDING OR WITHDRAWAL OF A LIFE-SUSTAINING PROCEDURE FROM A DISABLED PERSON ON THE BASIS OF A SUBSTITUTED JUDGMENT.

(B) THE COURT MAY MAKE A SUBSTITUTED JUDGMENT UNDER SUBSECTION (A) OF THIS SECTION ONLY ON THE BASIS OF CLEAR AND CONVINCING EVIDENCE THAT THE DISABLED PERSON WOULD, IF COMPETENT, DECIDE TO WITHHOLD OR WITHDRAW A LIFE-SUSTAINING PROCEDURE UNDER THE CIRCUMSTANCES.

(C) EVIDENCE OF THE INTENTIONS OR WISHES OF THE DISABLED PERSON REGARDING THE WITHHOLDING OR WITHDRAWAL OF A LIFE-SUSTAINING PROCEDURE THAT MIGHT OTHERWISE BE INADMISSIBLE MAY BE ADMITTED, IN THE DISCRETION OF THE COURT, IF IT IS:

- (1) MATERIAL AND PROBATIVE; AND
- (2) THE BEST EVIDENCE AVAILABLE.

13-713. BEST INTEREST OF A DISABLED PERSON.

(A) IF THE COURT IS UNABLE TO MAKE A SUBSTITUTED JUDGMENT UNDER § 13-712 OF THIS SUBTITLE, THE COURT MAY APPROVE A REQUEST FOR THE WITHHOLDING OR WITHDRAWAL OF A LIFE-SUSTAINING PROCEDURE FROM THE DISABLED PERSON IF THE COURT DETERMINES, ON THE BASIS OF CLEAR AND CONVINCING EVIDENCE, THAT THE WITHHOLDING OR WITHDRAWAL IS IN THE BEST INTEREST OF THE DISABLED PERSON.

(B) THE DECISION OF WHETHER LIFE-SUSTAINING PROCEDURES SHOULD BE PROVIDED, WITHHELD, OR WITHDRAWN SHALL NOT BE BASED, IN WHOLE OR IN PART, ON EITHER A PATIENT'S PREEXISTING, LONG-TERM MENTAL OR PHYSICAL DISABILITY, OR A PATIENT'S ECONOMIC DISADVANTAGE.

SECTION 3. AND BE IT FURTHER ENACTED, That the captions and catchlines contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1993.

Approved May 11, 1993.

CHAPTER 373

(House Bill 1252)

AN ACT concerning

**Statewide Prince George's County – Alcoholic Beverages
(Boards of License Commissioners)**