

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 Life-Sustaining Procedures"; and 20-107 of Article - Health - General of the Annotated Code of Maryland be repealed.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 ~~OR NOTARIZED~~ 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.

(D) "ATTENDING PHYSICIAN" MEANS THE PHYSICIAN WHO HAS PRIMARY RESPONSIBILITY FOR THE TREATMENT AND CARE OF THE PATIENT.

(E) "BEST INTEREST" MEANS THAT THE BENEFITS TO THE PATIENT INDIVIDUAL RESULTING FROM A DECISION ABOUT TREATMENT OUTWEIGH THE BURDENS TO THE PATIENT INDIVIDUAL RESULTING FROM THAT DECISION TREATMENT, TAKING INTO ACCOUNT:

(1) THE EFFECT OF THE MEDICAL CONDITION OF THE PATIENT TREATMENT ON THE PHYSICAL, EMOTIONAL, AND COGNITIVE FUNCTIONS OF THE PATIENT INDIVIDUAL;

(2) THE DEGREE OF PHYSICAL PAIN OR DISCOMFORT RESULTING FROM THE MEDICAL CONDITION OF CAUSED TO THE PATIENT INDIVIDUAL; BY THE TREATMENT, OR THE WITHHOLDING OR WITHDRAWAL OF THE TREATMENT;