HOUSE DOCKET, NO. 1223 FILED ON: 1/20/2011

HOUSE . . . . . No. 1354

The Commonwealth of Massachusetts

PRESENTED BY:

Sarah K. Peake

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to living wills.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sarah K. Peake	*4th Barnstable*
Cleon H. Turner	*1st Barnstable*
Cory Atkins	*14th Middlesex*
William N. Brownsberger	*[District]*
James B. Eldridge	*[District]*
Randy Hunt	*5th Barnstable*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*
David T. Vieira	*3rd Barnstable*
Martin J. Walsh	*13th Suffolk*
Martha M. Walz	*8th Suffolk*
Alice K. Wolf	*25th Middlesex*

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By Ms. Peake of Provincetown, a petition (accompanied by bill, House, No. 1354) of Sarah K. Peake and others relative to living wills. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to living wills.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Chapter 201D of the Massachusetts General Laws shall be amended so that the title reads as follows: Health Care Proxies and Living Wills.

Section 2. Chapter 201D:1 section 1 of the 2008 official edition of the general laws shall be amended by inserting after line 28 the following, ""Living Will", a document designating medical treatments that the Principal would or would not want if he or she became terminally ill and unable to make his or her own decisions."

Section 3. Chapter 201D:2 section 2 of the 2008 official edition of the general laws shall be amended by inserting after the word "proxy" in the title the words "living will", and by inserting a new paragraph after the word "otherwise" in line 28 to read as follows: "Every competent adult shall have the right delineate their wishes and instructions about healthcare decisions by executing a living will. Said living will shall be in writing signed by such adult or at the direction of such adult in the presence of two other adults who shall subscribe their names as witnesses to such signature. The witnesses shall affirm in writing that the principal appeared to be at least eighteen years of age, of sound mind and under no constraint or undue influence. No person who has been named as health care agent in the Principal's health care proxy shall act as a witness to the execution of such living will. For the purposes of this section, every adult shall be presumed to be competent and every living will shall be presumed to be properly executed unless a court determines otherwise."

Section 4. Chapter 201D:4, section 4 of the 2008 official edition of the general laws is amended by renumbering paragraph "iv" to become paragraph "v" and by deleting the word "and" in line 6, inserting a new paragraph "iv" to read as follows, "the principal's wishes or instructions about health care decisions, including, but not limited to wishes about artificial nutrition and hydration; and".

24 Section 5. Chapter 201D:5, section 5 of the 2008 official edition of the general laws is
25 amended by: (1) inserting after the word “proxy” in line 4 the words “and the Living Will.” (2)
26 inserting after the word “principal’s” in line 9 the words “Living Will,” (3) inserting after the
27 word “proxy” in lines 23, 24, and 29 the words “and Living Will”.