

**HOUSE . . . . . No. 1354**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Sarah K. Peake***

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*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 adoption of the accompanying bill:

An Act relative to living wills.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>1/20/2011</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>	<i>1/20/2011</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>2/3/2011</i>
<i>William N. Brownsberger</i>		<i>1/28/2011</i>
<i>James B. Eldridge</i>		<i>2/2/2011</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>2/2/2011</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>2/3/2011</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>1/25/2011</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>	<i>2/3/2011</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>	<i>2/4/2011</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>	<i>2/4/2011</i>

**HOUSE . . . . . No. 1354**

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**

**In the Year Two Thousand Eleven**

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:*

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

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

7 Section 3. Chapter 201D:2 section 2 of the 2008 official edition of the general laws shall  
8 be amended by inserting after the word “proxy” in the title the words “living will”, and by  
9 inserting a new paragraph after the word “otherwise” in line 28 to read as follows: “Every  
10 competent adult shall have the right delineate their wishes and instructions about healthcare  
11 decisions by executing a living will. Said living will shall be in writing signed by such adult or at  
12 the direction of such adult in the presence of two other adults who shall subscribe their names as  
13 witnesses to such signature. The witnesses shall affirm in writing that the principal appeared to

14 be at least eighteen years of age, of sound mind and under no constraint or undue influence. No  
15 person who has been named as health care agent in the Principal's health care proxy shall act as  
16 a witness to the execution of such living will. For the purposes of this section, every adult shall  
17 be presumed to be competent and every living will shall be presumed to be properly executed  
18 unless a court determines otherwise."

19 Section 4. Chapter 201D:4, section 4 of the 2008 official edition of the general laws is  
20 amended by renumbering paragraph "iv" to become paragraph "v" and by deleting the word  
21 "and" in line 6, inserting a new paragraph "iv" to read as follows, "the principal's wishes or  
22 instructions about health care decisions, including, but not limited to wishes about artificial  
23 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".