

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2310 Session of
1976

INTRODUCED BY PYLES, APRIL 1, 1976

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 1, 1976

AN ACT

1 Authorizing an adult individual to execute a document directing
2 discontinuance of maintenance medical treatment in the event
3 of terminal illness; granting certain powers and duties to
4 physicians and providing immunity from liability for certain
5 actions.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short Title.--This act shall be known and may be
9 cited as the "Living Will Act."

10 Section 2. Definitions.--As used in this act:

11 "Maintenance medical treatment," means medical treatment of
12 extraordinary means designed solely to sustain the life
13 processes.

14 "Physician," means an individual licensed to practice
15 medicine or surgery by the State Board of Medical Education and
16 Licensure.

17 "Terminal illness," means an illness that will result in
18 natural expiration of life, regardless of the use or
19 discontinuance of maintenance medical treatment.

20 Section 3. Execution of Documents.--(a) An individual of

1 sound mind and 18 years of age or older may execute a document
2 directing that no maintenance medical treatment be utilized for
3 the prolongation of his life at such time he is suffering from a
4 terminal illness.

5 (b) A document described in subsection (a) is not valid
6 unless it has been executed in the same manner as a last will
7 and testament as provided for in 20 Pa.C.S. § 2501 et seq.

8 Section 4. Certification of Terminal Illness; Immunity.--(a)
9 A certification of a terminal illness shall be rendered by two
10 physicians; at least one of the physicians shall be in charge of
11 the individual who is terminally ill. A copy of any such
12 certification shall be maintained in the records of the medical
13 facility where the patient is being maintained. If the patient
14 is not being maintained in a medical facility, a copy shall be
15 retained by the physician in his own case records.

16 (b) A physician who certifies a terminal illness under this
17 section is presumed to be acting in good faith. Unless it is
18 alleged and proven that his act violated the standard of
19 reasonable professional care and judgment under the
20 circumstance, he shall be immune from civil or criminal
21 liability.

22 Section 5. Revocation.--An individual who has executed a
23 document under this act may, at any time thereafter, revoke or
24 rescind such document. Revocation may be accomplished by
25 destroying the document, or by indicating the intent to revoke,
26 in writing in the presence of two witnesses, 18 years of age or
27 older.

28 Section 6. Reliance on Document.--(a) A physician who relies
29 on a document executes under this act, of which he has no actual
30 notice of revocation, is presumed to be acting in good faith in

1 withholding maintenance medical treatment from an individual who
2 executed such document. A physician is immune from civil or
3 criminal liability when, in reliance upon such document, he has
4 withheld medical treatment, unless it is alleged and proven that
5 his action violated the standard of reasonable professional care
6 and judgment under the circumstances.

7 (b) For the purposes of this act, a physician may presume
8 that an individual who executed a document under this act was of
9 sound mind at the time of execution, in the absence of actual
10 notice to the contrary.

11 Section 7. Immunity of Health Care Facility.--No hospital or
12 other health care facility shall be liable, either criminally or
13 civilly, due to the acts or omissions of any physician in
14 carrying out the provisions of this act.

15 Section 8. Insurance.--No policy of insurance that has been
16 in force for more than 12 months shall be vitiated or legally
17 impaired in any way by the withdrawal of life sustaining
18 mechanisms from the insured.

19 Section 9. Effective Date.--This act shall take effect
20 immediately.