

## Session 109 - (1991-1992)

### H\*3090 (Rat #0220, Act #0149 of 1991) General Bill, By H.H. Keyserling, P.B. Harris, J.H. Hodges, K.G. Kempe, S.G. Manly, J.G. Mattos, I.K. Rudnick, C.Y. Waites, D.C. Waldrop, L.S. Whipper and J.B. Wilder

A Bill to amend Chapter 77, Title 44, Code of Laws of South Carolina, 1976, relating to the Death with Dignity Act, by adding Section 44-77-65 so as to allow a declarant to supplement a declaration with a document providing instructions for artificial nutrition and hydration and by adding Section 44-77-85 so as to authorize a declarant to designate an agent to act on his behalf to ensure that the declaration is given effect; to amend Section 44-77-20, as amended, relating to definitions, so as to revise the definitions of "life-sustaining procedures" and "terminal condition" and add the definition of "permanent unconsciousness"; Section 44-77-30, as amended, relating to withholding life-sustaining procedures, so as to provide that life-sustaining procedures may be withheld pursuant to a declaration when a person has been in a state of permanent unconsciousness for at least ninety days or at any time if other criteria is met and to clarify that active treatment must be administered after a terminal diagnosis before giving effect to a declaration; Section 44-77-40, as amended, relating to qualifications for witnesses to a death with dignity declaration, so as to further limit who may be a witness to a declaration and to clarify execution procedures; Section 44-77-50, as amended, relating to the form of a declaration, so as to include the revised definition of terminal condition, provide specific directions regarding nutrition and hydration which a declarant may choose, provide for the appointment of an agent, and revise the language pertaining to the revocation of a declaration; Section 44-77-80, as amended, relating to revocation of a declaration, so as to include that the declarant may revoke a declaration by executing a subsequent declaration; Section 44-77-90, as amended, relating to immunity from liability so as to include immunity to one who in good faith relies on a certification of permanent unconsciousness and to extend immunity to a physician who in good faith and within standards of reasonable medical care certifies a terminal condition or permanent unconsciousness; Section 44-77-100, as amended, relating to circumstances in which physician's failure to effect the declaration constitutes unprofessional conduct so as to provide that when an employee of a health care facility states they do not wish to participate in the withholding of life-sustaining procedures, the physician must make reasonable efforts to effectuate the declaration without the employee; and Section 44-77-140, as amended, relating to absence of declaration not giving rise to presumption so as to provide that this Chapter applies only to persons who have executed a declaration in accordance with this Chapter.-amended title

12/27/90	House	Prefiled
12/27/90	House	Referred to Committee on Judiciary
01/08/91	House	Introduced and read first time HJ-62
01/08/91	House	Referred to Committee on Judiciary HJ-62
03/07/91	House	Committee report: Majority favorable with amend., minority unfavorable Judiciary HJ-2
03/20/91	House	Debate adjourned until Tuesday, March 26, 1991 HJ-4
03/28/91	House	Debate adjourned HJ-26
04/10/91	House	Debate adjourned until Tuesday, April 16, 1991 HJ-3
04/24/91	House	Amended HJ-46
04/24/91	House	Debate interrupted HJ-59
04/25/91	House	Amended HJ-88
04/25/91	House	Debate interrupted HJ-90
05/01/91	House	Amended HJ-51
05/01/91	House	Read second time HJ-55
05/08/91	House	Amended HJ-35
05/08/91	House	Read third time and sent to Senate HJ-35
05/09/91	Senate	Introduced and read first time SJ-6
05/09/91	Senate	Referred to Committee on Judiciary SJ-7
05/16/91	Senate	Recalled from Committee on Judiciary SJ-9
05/16/91	Senate	Special order SJ-9
05/21/91	Senate	Read second time SJ-154
05/21/91	Senate	Ordered to third reading with notice of amendments SJ-154
05/27/91	Senate	Amended SJ-26
05/27/91	Senate	Read third time and returned to House with amendments SJ-28
05/28/91	House	Concurred in Senate amendment and enrolled HJ-6
06/06/91		Ratified R 220
06/12/91		Signed By Governor

06/12/91      **Effective date 06/12/91**

06/12/91      **Act No. 149**

06/26/91      **Copies available**