S T A T E O F N E W Y O R K

3787

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. ROSENTHAL, KELLNER -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to witnesses to a health care proxy

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (a) of subdivision 2 of section 2981 of the public health law, as added by chapter 752 of the laws of 1990, is amended to read as follows:

(a) A competent adult may appoint a health care agent by a health care proxy, signed and dated by the adult in the presence of [two] ONE adult [witnesses] WITNESS who shall also sign the proxy, EXCEPT FOR PERSONS WHO RESIDE IN MENTAL HEALTH FACILITIES OPERATED OR LICENSED BY THE OFFICE OF MENTAL HEALTH OR THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES, WHO SHALL SIGN SUCH PROXY IN THE PRESENCE OF TWO ADULT WITNESSES WHO SHALL ALSO SIGN THE PROXY. Another person may sign and date the health care proxy for the adult if the adult is unable to do so, at the adult's direction and in the adult's presence, and in the presence of [two] ONE adult [witnesses] WITNESS who shall sign the proxy. The [witnesses] WITNESS shall state that the principal appeared to execute the proxy willingly and free from duress. The person appointed as agent shall not act as witness to execution of the health care proxy.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD04172-01-9