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

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I N A S S E M B L Y

January 29, 2014

Introduced by M. of A. SIMOTAS, JAFFEE, GALEF -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to decisions by pregnant women regarding life-sustaining treatment

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

Section 1. The public health law is amended by adding a new section 2994-v to read as follows:

S 2994-V. DECISIONS REGARDING LIFE-SUSTAINING TREATMENT; PREGNANT WOMEN. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY PREGNANT WOMAN WHO:

1. IS ADMITTED AS AN INPATIENT TO A HOSPITAL AND, AT THE TIME OF SUCH ADMISSION, LACKS DECISION MAKING CAPACITY REGARDING LIFE-SUSTAINING TREATMENT, OR WHO LOSES SUCH DECISION MAKING CAPACITY WHILE ADMITTED TO A HOSPITAL; AND

2. PRIOR TO SUCH INCAPACITY HAS EXPRESSED HER WISHES AND PREFERENCES REGARDING LIFE-SUSTAINING TREATMENT, EITHER INDIVIDUALLY OR BY OR THROUGH A HEALTH CARE AGENT, PROXY, GUARDIAN OR OTHER SURROGATE,

SHALL HAVE HER WISHES AND PREFERENCES CONSIDERED IN THE SAME MANNER AND TO THE SAME EXTENT THAT SUCH WISHES AND PREFERENCES WOULD HAVE BEEN CONSIDERED IF SUCH WOMAN WAS NOT PREGNANT, PROVIDED, THAT IF SUCH WOMAN IS GREATER THAN TWENTY-FOUR WEEKS PREGNANT, SUCH HOSPITAL SHALL MAKE ALL REASONABLE EFFORTS TO PRESERVE THE LIFE OF SUCH WOMAN'S UNBORN CHILD.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

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