

STATE OF NEW YORK

3245--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 27, 2025

Introduced by M. of A. ROSENTHAL, BRONSON, DAVILA -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to the artificial hydration and nutrition decision standard

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 2980 of the public health law, as
2 added by chapter 752 of the laws of 1990, is amended to read as follows:

3 4. "Health care" means any treatment, service or procedure to diagnose
4 or treat an individual's physical or mental condition, including
5 hydration and nutrition.

6 § 2. The fourth undesignated paragraph of paragraph (d) of subdivision
7 5 of section 2981 of the public health law, as added by chapter 752 of
8 the laws of 1990, is amended to read as follows:

9 NOTE: Although not necessary, and neither encouraged nor discouraged,
10 you may wish to state instructions or wishes, and limit your agent's
11 authority. [~~Unless your agent knows your wishes about artificial nutri-~~
12 ~~tion and hydration, your agent will not have authority to decide about~~
13 ~~artificial nutrition and hydration.~~] For example, you may state your
14 wishes regarding withholding or withdrawing life-sustaining treatment
15 (including hydration and nutrition) to guide your agent's decisions. If
16 you choose to state instructions, wishes, or limits, please do so below:
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20 § 3. Subdivision 2 of section 2982 of the public health law, as
21 amended by chapter 619 of the laws of 2024, is amended to read as
22 follows:

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

LBD00668-04-5

1 2. Decision-making standard. After consultation with a licensed physi-
2 cian, registered nurse, physician assistant, nurse practitioner,
3 licensed psychologist, licensed master social worker, or a licensed
4 clinical social worker, the agent shall make health care decisions: (a)
5 in accordance with the principal's wishes, including the principal's
6 religious and moral beliefs; or (b) if the principal's wishes are not
7 reasonably known and cannot with reasonable diligence be ascertained, in
8 accordance with the principal's best interests[; ~~provided, however, that~~
9 ~~if the principal's wishes regarding the administration of artificial~~
10 ~~nutrition and hydration are not reasonably known and cannot with reason-~~
11 ~~able diligence be ascertained, the agent shall not have the authority to~~
12 ~~make decisions regarding these measures~~].

13 § 4. This act shall take effect on the ninetieth day after it shall
14 have become a law; provided, however, that the amendments to sections
15 2981 and 2982 of the public health law made by sections two and three of
16 this act shall apply to decisions made pursuant to health care proxies
17 created prior to the effective date of this act as well as those created
18 thereafter; and provided, further, that if chapter 619 of the laws of
19 2024 shall not have taken effect on or before such date then section
20 three of this act shall take effect on the same date and in the same
21 manner as such chapter of the laws of 2024, takes effect.