

bill; next, that there are two methods of acknowledging the authenticity of a living will, being witnessed by two adults or being notarized by a notary public. Fifth, there is a provision in the will...in the living will bill that is aimed at individuals who have no living will, no durable power of attorney, and a doctor is faced with that decision of what to do with the patient, to give implied consent is actually the legal term. We know this because, for example, that when a child is injured, we, as parents, can give consent for that child to be taken care of. Well, if you go through the statutes, not the statutes, if you go through the Supreme Court reports, you can come up with the appropriate mechanism for handling the implied consent in a family waiting room. Pretty much makes sense, the spouse comes first. If the spouse gives consent, you have got consent. If there is no spouse, the children give consent. If there are no children, the parents give consent. It is a decision tree, is you will. Well, we have that in the bill, and what we have done is we have taken this common law rule, that you would have to be a lawyer to learn and know, and we have stuck it in the statutes so that people can know what the law is. But we also want to make clear because we have this new durable power of attorney law, or we will, that that is the first on the list of people to be consulted. Why? Because they have the actual medical decision-making authority. If not the durable power of attorney, then the legal guardian because a court has said this is the person able to make decisions for the individual who is, in this case, incapacitated, and then the rest of Section 9 as it is, the spouse, the children, the parents. In addition, we make the infractions of the act the same level of criminal penalty, which is a Class I misdemeanor. There was one mistyped Class IV misdemeanor in the bill and that has been changed now to make sure that it is all the same as a Class I. It is also clear to me that this is a lesser included offense in all of these circumstances if somebody has a design of trying to end somebody else's life by the use of manipulating medical directives, and so that this is not the only way of responding to or sanctioning that kind of behavior. Anyway, these are clean-up amendments. Following these amendments, we will do the Lindsay amendments, and following those amendments, we will, hopefully, get back to one or two amendments that John and I have been able to agree on and add those to the bill. I would urge the adoption of this amendment. We could take care of it yet this morning, and then we could get to those provisions which are controversial that Senator Lindsay wants us to take up the next time we come back to Select File.