

Sec. 16 (renumbered to 17) changes this:

(a) It is the intention of the general assembly to recognize the right of a legally competent person to determine whether or not to accept medical treatment, including involuntary medication, absent an emergency or a determination that the person is incompetent and lacks the ability to make a decision and appreciate the consequences.

to this:

The State of Vermont recognizes the fundamental right of an adult to determine the extent of health care the individual will receive, including treatment provided during periods of lack of competency that the individual expressed a desire for when he or she was competent

This eliminates minors 14-18, as well as clear language about a competent person's right to refuse treatment, the exceptions to that right and the necessary finding. It tracks the advance directive statute — "The state of Vermont recognizes the fundamental right of an adult to determine the extent of health care the individual will receive, including treatment provided during periods of incapacity and at the end of life" and thus it only references adults.

Act 114 refers to "a person." People can sign in voluntarily at age 14. My understanding of VT law is that people have a right to make decisions about certain forms of treatment — abortion, substance abuse treatment, psychiatric treatment — at age 14. I confirmed with Jack McCullough that people between the ages of 14 and 18 have the protections of Act 114.

There was no testimony or discussion on the record about minors. I hope this language was not intended to change the legislature's intent to include them in Act 114, and that this language can be amended.