
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Counsel without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 107 (H.950). Health; advance directives; remote witnesses; COVID-19

An act relating to allowing remote witnesses for advance directives for a limited time

This act allows for variations from the usual statutory witnessing requirements for advance directives executed during the COVID-19 pandemic. It deems an advance directive executed between February 15, 2020 and June 15, 2020 to be valid even if one or both of the required witnesses were not physically present when the principal signed the document if the principal and each remote witness were known to each other, each remote witness was informed about his or her role, and the principal included each remote witness's name and contact information on the advance directive. An advance directive executed under these circumstances remains valid until June 30, 2021.

The act deems an advance directive executed between June 15, 2020 and June 30, 2021 to be valid even if one or both of the required witnesses were not physically present when the principal signed the document if the principal and each remote witness were known to each other; based on video or telephonic communication with the principal, the remote witness made certain attestations; and the principal included each remote witness's name, contact information, and relationship to the principal on the advance directive. An advance directive executed under these circumstances remains valid indefinitely unless amended, revoked, or suspended by the principal.

The act also deems an advance directive executed between February 15, 2020 and June 30, 2021 while a principal was being admitted to or was a resident or patient of a nursing home, residential care facility, or hospital to be valid even if the individual who explained the nature and effect of the advance directive to the principal was not physically present during the explanation but was communicating with the principal by video or telephone.

Effective Date: June 15, 2020