



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 290 [2003 Assembly Bill 554]	Living Wills and Powers of Attorney for Health Care
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 290 makes changes in the laws relating to living wills (declarations to physicians regarding the use or nonuse of life-sustaining procedures or feeding tubes for persons in a terminal condition or persistent vegetative state) and powers of attorney for health care (documents that designate an agent to make health care decisions for a person when that person is incapacitated). The two types of documents are commonly referred to as advance directives.

Under the statutes that existed prior to Act 290, a valid document that authorizes the withholding or withdrawal of life-sustaining procedures or feeding tubes (i.e., a living will) and that is executed in another state or jurisdiction in compliance with the law of that state or jurisdiction is valid and enforceable in Wisconsin to the extent that the document is consistent with the laws of Wisconsin.

Act 290 creates a provision that gives similar recognition to powers of attorney for health care that are executed in another state or jurisdiction. Under the Act, a valid document granting a health care agent authority to make health care decisions that is executed in another state or jurisdiction in compliance with the law in that state or jurisdiction is valid and enforceable in Wisconsin to the extent that the document authorizes the health care agent to make decisions for the principal that a health care agent may make under Wisconsin law.

The Act also makes duties and immunities that apply to Wisconsin documents applicable to a provision of a document executed in other states or jurisdictions if the provision is valid and enforceable in Wisconsin.

Effective Date: The Act takes effect on May 5, 2004, and first applies to documents that exist on that date.

Prepared by: Richard Sweet, Senior Staff Attorney

April 30, 2004

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.