

**STATE STATUTORY PROVISIONS RELATED TO ORALLY PROVIDED
FOOD AND FLUIDS AND COMFORT CARE
July 2017**

STATE	PROVISIONS RELATING TO ORALLY PROVIDED FOOD AND FLUIDS	OTHER COMFORT CARE PROVISIONS
Alabama	(2) Artificially provided nutrition and hydration. A medical treatment consisting of the administration of food and water through a tube or intravenous line, where the recipient is not required to chew or swallow voluntarily. Artificially provided nutrition and hydration does not include assisted feeding, such as spoon or bottle feeding. Ala. Code § 22-8A-3	Life-sustaining treatment shall not include the administration of medication or the performance of any medical treatment where, in the opinion of the attending physician, the medication or treatment is necessary to provide comfort or to alleviate pain. Ala.Code § 22-8A-3
Alaska	(1)	-
Arizona	(1)	4. "Comfort care" means treatment given in an attempt to protect and enhance the quality of life without artificially prolonging that life. A.R.S. §36-3201
Arkansas	(1)	(b) This subchapter does not affect the responsibility of the attending physician or other health care provider to provide treatment, including nutrition or hydration, or both, for a patient's comfort or alleviation of pain. Ark. Code Ann. § 20-17-206 (West) (Living will statute)
California	(1)	-
Colorado	(10) "Life-sustaining procedure" means any medical procedure or intervention that, if administered to a qualified patient, would serve only to prolong the dying process, and shall not include any medical procedure or intervention for nourishment of the qualified patient or considered necessary by the attending physician or advanced practice nurse to provide comfort or alleviate pain. C.R.S.A. § 15-18-103	
Connecticut	If the attending physician or advanced practice registered nurse does not deem the incapacitated patient to be in a terminal condition or permanently unconscious, <u>beneficial medical treatment</u> including nutrition and hydration must be provided. Conn. Gen. Stat. Ann. § 19a-571 (West) (4) "Beneficial medical treatment" includes the use of medically appropriate treatment, including surgery, treatment, medication and the utilization of artificial technology to sustain life; Conn. Gen. Stat. Ann. § 19a-570 (West)	(a) Notwithstanding the provisions of sections 19a-571, 19a-572, 19a-574, 19a-575, 19a-575a, 19a-577, 19a-580a and 19a-580b, comfort care and pain alleviation shall be provided in all cases. Conn. Gen. Stat. Ann. § 19a-573

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Delaware	B. Even if life-sustaining treatment or artificial administration of nutrition and hydration are withheld or withdrawn, the patient shall be provided with medication or other medical treatment to alleviate pain and will be provided with oral consumption of food and water. Okla. Stat. Ann. tit. 63, § 3101.8 (West)	
District of Columbia	Not addressed	The term “life-sustaining procedure” shall not include the administration of medication or the performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain. D.C. Code Ann. § 7-621 (West)
Florida	(1)	(12) “Life-prolonging procedure” means any medical procedure, treatment, or intervention, including artificially provided sustenance and hydration, which sustains, restores, or supplants a spontaneous vital function. The term does not include the administration of medication or performance of medical procedure, when such medication or procedure is deemed necessary to provide comfort care or to alleviate pain. Fla. Stat. Ann. § 765.101 (West)
Georgia		If I am in any condition that I initialed in Section (6) above and I can no longer communicate my treatment preferences after reasonable and appropriate efforts have been made to communicate with me about my treatment preferences, then: (A) _____ (Initials) Try to extend my life for as long as possible, using all medications, machines, or other medical procedures that in reasonable medical judgment could keep me alive. If I am unable to take nutrition or fluids by mouth, then I want to receive nutrition or fluids by tube or other medical means. OR (B) _____ (Initials) Allow my natural death to occur. I do not want any medications, machines, or other medical procedures that in reasonable medical judgment could keep me alive but cannot cure me. I do not want to receive nutrition or fluids by tube or other medical means except as needed to provide pain medication. OR (C) _____ (Initials) I do not want any medications, machines, or other medical procedures that in reasonable medical judgment could keep me alive but cannot cure me, except as follows: Ga. Code Ann. § 31-32-4 (West)
Hawaii	(1)	-

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<p>Idaho</p>	<p>(3) “Artificial nutrition and hydration” means supplying food and water through a conduit, such as a tube or intravenous line, where the recipient is not required to chew or swallow voluntarily, but does not include assisted feeding, such as spoon feeding or bottle feeding. Idaho Code Ann. § 39-4502 (West)</p> <p>Except as specifically provided in chapters 3 [re mentally ill] and 4 [re developmentally disabled], title 66, Idaho Code, health care, assisted feeding or artificial nutrition and hydration, the denial of which is directed by a competent patient in accordance with section 39-4503, Idaho Code, by a patient’s health care directive under section 39-4510, Idaho Code, or by a patient’s surrogate decision-maker in accordance with section 39-4504, Idaho Code, shall be withdrawn and denied in accordance with a valid directive. Idaho Code Ann. § 39-4514 (West)</p>	<p>(6) “Comfort care” means treatment and care to provide comfort and cleanliness. “Comfort care” includes:</p> <ul style="list-style-type: none"> (a) Oral and body hygiene; (b) Reasonable efforts to offer food and fluids orally; (c) Medication, positioning, warmth, appropriate lighting and other measures to relieve pain and suffering; and (d) Privacy and respect for the dignity and humanity of the patient. <p>Idaho Code Ann. § 39-4502</p>
<p>Illinois</p>	<p>“Artificial nutrition and hydration” means supplying food and water through a conduit, such as a tube or intravenous line, where the recipient is not required to chew or swallow voluntarily, including, but not limited to, nasogastric tubes, gastrostomies, jejunostomies, and intravenous infusions. Artificial nutrition and hydration does not include assisted feeding, such as spoon or bottle feeding. 755 Ill. Comp. Stat. Ann. 40/10 (Surrogacy Act)</p>	<p>(1) The agent is authorized to give consent to and authorize or refuse, or to withhold or withdraw consent to, any and all types of medical care, treatment or procedures relating to the physical or mental health of the principal, including any medication program, surgical procedures, life-sustaining treatment or provision of food and fluids for the principal. 755 Ill. Comp. Stat. Ann. 45/4-10 (H.C. POA Act)</p>
<p>Indiana</p>	<p>(1)</p>	<p>Sec. 1. (a) As used in this chapter, “life prolonging procedure” means any medical procedure, treatment, or intervention that does the following:</p> <ul style="list-style-type: none"> (1) Uses mechanical or other artificial means to sustain, restore, or supplant a vital function. (2) Serves to prolong the dying process. <p>(b) The term does not include the performance or provision of any medical procedure or medication necessary to provide comfort care or to alleviate pain. Ind. Code § 16-36-4-1</p>
<p>Iowa</p>	<p>4. “Health care” means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual’s physical or mental condition. “Health care” does not include the provision of nutrition or hydration except when they are required to be provided parenterally or through intubation. Iowa Code Ann. § 144B.1 (West)</p> <p>b. “Life-sustaining procedure” does not include the provision of nutrition or hydration except when required to be provided parenterally or</p>	<p>5. In fulfilling the instructions of an out-of-hospital do-not-resuscitate order under this chapter, a health care provider shall continue to provide appropriate comfort care and pain relief to the patient. Iowa Code Ann. § 144A.7A</p>

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	through intubation, or the administration of medication or performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain. Iowa Code Ann. § 144A.2 (West)	
Kansas	None	(c) “Life-sustaining procedure” means any medical procedure or intervention which, when applied to a qualified patient, would serve only to prolong the dying process and where, in the judgment of the attending physician, death will occur whether or not such procedure or intervention is utilized. “Life-sustaining procedure” shall not include the administration of medication or the performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain. Kan. Stat. Ann. § 65-28,102 (West)
Kentucky	(1)	(d) When the burden of the provision of artificial nutrition and hydration itself shall outweigh its benefit. Even in the exceptions listed in paragraphs (a), (b), and (c) of this subsection, artificially-provided nutrition and hydration shall not be withheld or withdrawn if it is needed for comfort or the relief of pain. Ky. Rev. Stat. §311.629
Louisiana	(1)	A “life-sustaining procedure” shall not include any measure deemed necessary to provide comfort care. La. Stat. Ann. § 40:1151.1
Maine	(1)	-
Maryland	(d) A health care provider shall make reasonable efforts to provide an individual with food and water by mouth and to assist the individual as needed to eat and drink voluntarily. Md. Code Ann., Health-Gen. § 5-611 (West)	(2) Emergency medical services “do not resuscitate orders” may not authorize the withholding of medical interventions, or therapies deemed necessary to provide comfort care or to alleviate pain. Md. Code Ann., Health – Gen. § 5-608 (West)
Massachusetts	Nothing in this chapter shall preclude any medical procedure deemed necessary by the attending physician to provide comfort care or pain alleviation. Such procedures shall include but not be limited to treatment with sedatives and pain-killing drugs; non-artificial oral feeding; suction; and hygienic care. Mass. Gen. Laws Ann. ch. 201D, § 13 (West)	-
Michigan	Not addressed	-
Minnesota	In reliance on a patient’s living will, a decision to administer, withhold, or withdraw medical treatment after the patient has been diagnosed by the attending physician to be in a terminal condition must always be based on reasonable	-

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	<p>medical practice, including:</p> <p>(1) continuation of appropriate care to maintain the patient’s comfort, hygiene, and human dignity and to alleviate pain;</p> <p>(2) oral administration of food or water to a patient who accepts it, except for clearly documented medical reasons;</p> <p>Minn. Stat. Ann. § 145B.13</p>	
Mississippi	<p>(d) Section D of the form, which shall have the heading “Medically Administered Fluids and Nutrition: Administer oral fluids and nutrition if physically possible,” shall include the following options: [none of which address oral fluids and nutrition. Also note: the form is not mandatory.] Miss. Code Ann. § 41-41-302 (West) (POLST provision)</p>	<p>[POLST provisions in statute]:</p> <p>(b) Section B of the form shall direct the sustaining treatment when the patient has a pulse or is breathing by selecting one (1) of the following: . . .</p> <p>(iii) Comfort Measures, including keeping the patient clean, warm, and dry; use of medication by any route; positioning, wound care, and other measures to relieve pain and suffering; and the use of oxygen, suction, and manual treatment of airway obstruction as needed for comfort. This option shall include the statement “Do not transfer to a hospital unless comfort needs cannot be met in the patient’s current location (e.g., hip fracture),” and include a space for other instructions.</p>
Missouri	<p>2. Notwithstanding any other provision of sections 404.800 to 404.865 to the contrary, no attorney in fact may, with the intent of causing the death of the patient, authorize the withdrawal of nutrition or hydration which the patient may ingest through natural means.</p> <p>Mo. Ann. Stat. § 404.820 (West)</p> <p>[Living will statute]: Death-prolonging procedure shall not include the administration of medication or the performance of medical procedure deemed necessary to provide comfort, care or to alleviate pain nor the performance of any procedure to provide nutrition or hydration; Mo. Ann. Stat. §459.010 (West)</p>	<p>3. Attorneys in fact shall consider appropriate measures in accord with current standards of medical practice to provide comfort to the patient.</p> <p>Mo. Ann. Stat. § 404.820 (West)</p>
Montana	<p>(2) This chapter does not affect the responsibility of the attending physician, attending advanced practice registered nurse, or other health care provider to provide treatment, including nutrition and hydration, for a patient's comfort care or alleviation of pain.</p> <p>Mont. Code Ann. § 50-9-202 (West)</p>	-
Nebraska	<p>(3) In exercising any decision, the attorney in fact shall have no authority to withhold or withdraw consent to routine care necessary to maintain patient comfort or the usual and typical provision of nutrition and hydration.</p>	<p>(2) The Rights of the Terminally Ill Act shall not affect the responsibility of the attending physician or other health care provider to provide treatment, including nutrition and hydration, for a patient’s comfort care or alleviation of pain.</p>

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	<p>Neb. Rev. Stat. Ann. § 30-3418 (West)</p> <p>(5) ...Health care decision shall not include (a) the withdrawal or withholding of routine care necessary to maintain patient comfort, (b) the withdrawal or withholding of the usual and typical provision of nutrition and hydration, or (c) the withdrawal or withholding of life-sustaining procedures or of artificially administered nutrition or hydration, except as provided by sections 30-3401 to 30-3432;</p> <p>(14) Usual and typical provision of nutrition and hydration shall mean delivery of food and fluids orally, including by cup, eating utensil, bottle, or drinking straw.</p> <p>Neb. Rev. Stat. Ann. § 30-3402 (West)</p>	Neb. Rev. St. Ann. § 20-408 (West)
Nevada	(1)	-
New Hampshire	<p>XV. "Medically administered nutrition and hydration" means invasive procedures such as, but not limited to the following: Nasogastric tubes; gastrostomy tubes; intravenous feeding or hydration; and hyperalimentation. It shall not include the natural ingestion of food or fluids by eating and drinking.</p> <p>N.H. Rev. Stat. Ann. § 137-J:2</p> <p>Under no conditions will your health care agent be able to direct the withholding of food and drink that you are able to eat and drink normally.</p> <p>N.H. Rev. Stat. Ann. § 137-J:19</p>	
New Jersey	(1)	<p>b. Nothing in this section shall be construed to impair the obligations of physicians, nurses and other health care professionals to provide for the care and comfort of the patient and to alleviate pain, in accordance with accepted medical and nursing standards.</p> <p>N.J. Stat. Ann. § 26:2H-67 (West)</p>
New Mexico	(1)	-
New York	<p>After consultation with a licensed physician, registered nurse, licensed psychologist, licensed master social worker, or a licensed clinical social worker, the agent shall make health care decisions: (a) in accordance with the principal's wishes, including the principal's religious and moral beliefs; or (b) if the principal's wishes are not reasonably known and cannot with reasonable diligence be ascertained, in accordance with the principal's best interests; provided, however, that if the principal's wishes regarding the administration of artificial nutrition and hydration are not reasonably known and cannot with reasonable diligence be ascertained, the agent shall not have the authority to make</p>	-

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	<p>decisions regarding these measures. N.Y. Pub. Health Law § 2982 (McKinney)</p> <p>(d) Providing nutrition and hydration orally, without reliance on medical treatment, is not health care under this article and is not subject to this article. N.Y. Pub. Health Law § 2994-d (McKinney)</p>	
North Carolina	(1)	Life-prolonging measures do not include care necessary to provide comfort or to alleviate pain. N.C. Gen. Stat. Ann. § 32A-16
North Dakota	(1)	4. This chapter does not affect the responsibility of the attending physician or other health care provider to provide treatment for a patient's comfort, care, or alleviation of pain. N.D. Cent. Code Ann. § 23-06.5-09 (West)
Ohio	(1)	C) "Comfort care" means any of the following: (1) Nutrition when administered to diminish the pain or discomfort of a principal, but not to postpone death; (2) Hydration when administered to diminish the pain or discomfort of a principal, but not to postpone death; (3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a principal, but not to postpone death. Ohio Rev. Code Ann. § 1337.11 (West)
Oklahoma	B. Even if life-sustaining treatment or artificial administration of nutrition and hydration are withheld or withdrawn, the patient shall be provided with medication or other medical treatment to alleviate pain and will be provided with oral consumption of food and water. Okla. Stat. Ann. tit. 63, § 3101.8 (West)	-
Oregon	(4) "Artificially administered nutrition and hydration" means a medical intervention to provide food and water by tube, mechanical device or other medically assisted method. "Artificially administered nutrition and hydration" does not include the usual and typical provision of nutrition and hydration, such as the provision of nutrition and hydration by cup, hand, bottle, drinking straw or eating utensil. Or. Rev. Stat. Ann. § 127.505 (West) Individuals caring for a principal from whom life-sustaining procedures or artificially administered nutrition and hydration are withheld or withdrawn shall provide care to insure comfort and cleanliness, including but not limited to the following: (1) Oral and body hygiene.	-

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	<p>(2) Reasonable efforts to offer food and fluids orally.</p> <p>(3) Medication, positioning, warmth, appropriate lighting and other measures to relieve pain and suffering.</p> <p>(4) Privacy and respect for the dignity and humanity of the principal.</p> <p>Or. Rev. Stat. Ann. § 127.642 (West)</p>	
Pennsylvania	(1)	<p>[EMS provision]: (2) Emergency medical services providers shall provide other medical interventions necessary and appropriate to provide comfort and alleviate pain, including intravenous fluids, medications, oxygen and any other intervention appropriate to the level of the certification of the provider, unless otherwise directed by the patient or the emergency medical services provider's authorized medical command physician.</p> <p>20 Pa. Stat. and Cons. Stat. Ann. § 5487 (West)</p>
Rhode Island	(1)	<p>"Life-sustaining procedure" shall not include any medical procedure or intervention considered necessary by the attending physician or emergency service personnel to provide comfort, care, or alleviate pain.</p> <p>23 R.I. Gen. Laws Ann. § 23-4.10-1.1 and § 23-4.11-2 (West)</p>
South Carolina	(1)	
South Dakota	<p>(4) "Life-sustaining treatment," any medical procedure or intervention that, when administered to a patient, will serve only to postpone the moment of death or to maintain the patient in a condition of permanent unconsciousness. The term does not include the provision of appropriate care to maintain comfort, hygiene and human dignity, the oral administration of food and water, or the administration of any medication or other medical procedure deemed necessary to alleviate pain;</p> <p>S.D. Codified Laws § 34-12D-1</p>	<p>This chapter does not affect the responsibility of any health care provider to provide treatment when necessary to alleviate pain or to provide for the patient's comfort, hygiene, or human dignity.</p> <p>S.D. Codified Laws § 34-12D-9</p>
Tennessee	(1)	
Texas	(1)	<p>(10) "Life-sustaining treatment" means treatment that, based on reasonable medical judgment, sustains the life of a patient and without which the patient will die. The term includes both life-sustaining medications and artificial life support, such as mechanical breathing machines, kidney dialysis treatment, and artificially administered nutrition and hydration. The term does not include the administration of pain management medication or the performance of a medical procedure considered to be necessary to provide</p>

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		<p>comfort care, or any other medical care provided to alleviate a patient's pain. Tex. Health & Safety Code Ann. § 166.002 (West)</p> <p>(6) “Out-of-hospital DNR order”: * * *</p> <p>(B) does not include authorization to withhold medical interventions or therapies considered necessary to provide comfort care or to alleviate pain or to provide water or nutrition. Tex. Health & Safety Code Ann. § 166.081 (West)</p>
Utah	(1)	<p>Option 3 [<i>in advance directive form</i>] _____ Initial</p> <p>I choose not to receive care for the purpose of prolonging life, including food and fluids by tube, antibiotics, CPR, or dialysis being used to prolong my life. I always want comfort care and <u>routine medical care</u> that will keep me as comfortable and functional as possible, even if that care may prolong my life. Utah Code Ann. § 75-2a-117 (West)</p>
Vermont	(20) “Nutrition and hydration administered by medical means” means the provision of food and water by means other than the natural ingestion of food or fluids by eating or drinking. Natural ingestion includes spoon feeding or similar means of assistance. Vt. Stat. Ann. tit. 18, § 9701 (West)	=
Virginia	(1)	<p>However, nothing in this act shall prohibit the administration of medication or the performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain, including the administration of pain relieving medications in excess of recommended dosages in accordance with §§ 54.1-2971.01 and 54.1-3408.1. Va. Code Ann. § 54.1-2982 (West)</p> <p>[Durable DNR Order Act]:Further, this section shall not authorize the withholding of other medical interventions, such as intravenous fluids, oxygen or other therapies deemed necessary to provide comfort care or to alleviate pain. Va. Code Ann. § 54.1-2987.1 (West)</p>
Washington	(1)	<p>“Life-sustaining treatment” shall not include the administration of medication or the performance of any medical or surgical intervention deemed necessary solely to alleviate pain. Wash. Rev. Code Ann. § 70.122.020 (West)</p>
West Virginia	(1)	<p>The term “life-prolonging intervention” does not include the administration of medication or the performance of any other medical procedure considered necessary to provide comfort or to</p>

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		alleviate pain. W. Va. Code Ann. § 16-30-3 (West)
Wisconsin	<p>(5) "Life-sustaining procedure" ... does not include: ... (b) The provision of nutrition or hydration. Wis. Stat. Ann. § 154.01 (West) (Living will act)</p> <p>(4) A health care agent may consent to the withholding or withdrawal of a feeding tube for the principal if the power of attorney for health care instrument so authorizes, unless the principal's attending physician advises that, in his or her professional judgment, the withholding or withdrawal will cause the principal pain or reduce the principal's comfort. A health care agent may not consent to the withholding or withdrawal of orally ingested nutrition or hydration unless provision of the nutrition or hydration is medically contraindicated. Wis. Stat. Ann. § 155.20 (West) (health care POA act)</p>	<p>The term "life-prolonging intervention" does not include the administration of medication or the performance of any other medical procedure considered necessary to provide comfort or to alleviate pain. W. Va. Code Ann. § 16-30-3 (West) (Living will act)</p>
Wyoming	<p>(iii) "Artificial nutrition and hydration" means supplying food and water through a conduit, such as a tube or an intravenous line where the recipient is not required to chew or swallow voluntarily, including, but not limited to, nasogastric tubes, gastrostomies, jejunostomies and intravenous infusions. Artificial nutrition and hydration does not include assisted feeding, such as spoon or bottle feeding; Wyo. Stat. Ann. § 35-22-402 (West)</p>	-

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