

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART II - PERSONNEL

CHAPTER 53 - MISCELLANEOUS RIGHTS AND BENEFITS

§ 1044c. Advance medical directives of members and dependents: requirement for recognition by States

(a) **Instruments To Be Given Legal Effect Without Regard to State Law.**— An advance medical directive executed by a person eligible for legal assistance—

- (1) is exempt from any requirement of form, substance, formality, or recording that is provided for advance medical directives under the laws of a State; and
- (2) shall be given the same legal effect as an advance medical directive prepared and executed in accordance with the laws of the State concerned.

(b) **Advance Medical Directives.**— For purposes of this section, an advance medical directive is any written declaration that—

- (1) sets forth directions regarding the provision, withdrawal, or withholding of life-prolonging procedures, including hydration and sustenance, for the declarant whenever the declarant has a terminal physical condition or is in a persistent vegetative state; or
- (2) authorizes another person to make health care decisions for the declarant, under circumstances stated in the declaration, whenever the declarant is incapable of making informed health care decisions.

(c) **Statement To Be Included.**—

- (1) Under regulations prescribed by the Secretary concerned, an advance medical directive prepared by an attorney authorized to provide legal assistance shall contain a statement that sets forth the provisions of subsection (a).
- (2) Paragraph (1) shall not be construed to make inapplicable the provisions of subsection (a) to an advance medical directive that does not include a statement described in that paragraph.

(d) **States Not Recognizing Advance Medical Directives.**— Subsection (a) does not make an advance medical directive enforceable in a State that does not otherwise recognize and enforce advance medical directives under the laws of the State.

(e) **Definitions.**— In this section:

- (1) The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States.
- (2) The term “person eligible for legal assistance” means a person who is eligible for legal assistance under section 1044 of this title.
- (3) The term “legal assistance” means legal services authorized under section 1044 of this title.

(Added Pub. L. 104–106, div. A, title VII, § 749(a)(1), Feb. 10, 1996, 110 Stat. 388.)

Effective Date of 1996 Amendment

Section 749(b) of Pub. L. 104–106 provided that: “Section 1044c of title 10, United States Code, shall take effect on the date of the enactment of this Act [Feb. 10, 1996] and shall apply to advance medical directives referred to in that section that are executed before, on, or after that date.”