

HOUSE BILL 1209

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1998 Regular Session
8r2426
CF SB 220

By: **Delegates Bonsack, M. Burns, Conway, Elliott, Guns, Harkins, Healey,
Howard, Jacobs, Linton, Kelly, Klima, O'Donnell, Patterson, Palumbo,
Proctor, Valderrama, and Walkup**

Introduced and read first time: February 13, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Assisted Suicide - Prohibition**

3 FOR the purpose of prohibiting a person from assisting another person's suicide or
4 suicide attempt; excepting certain medical situations and procedures; allowing
5 certain persons with standing to seek civil or injunctive relief, and reasonable
6 attorney's fees, from a violator of this Act; allowing certain persons with
7 standing to seek certain civil penalties; allowing the relevant licensing board to
8 take administrative action against a violator of this Act; establishing certain
9 penalties for a violation of this Act; making provisions of this Act severable;
10 defining certain terms; and generally relating to assisted suicide.

11 BY adding to
12 Article 27 - Crimes and Punishments
13 Section 415A to be under the new subheading "Assisted Suicide"
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1997 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 27 - Crimes and Punishments**

19 ASSISTED SUICIDE

20 415A.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (2) "LICENSED HEALTH CARE PROFESSIONAL" MEANS A DULY LICENSED
24 PHYSICIAN, SURGEON, PODIATRIST, OSTEOPATH, OSTEOPATHIC PHYSICIAN,
25 OSTEOPATHIC SURGEON, PHYSICIAN ASSISTANT, NURSE PRACTITIONER, DENTIST,
26 OR PHARMACIST.

1 (3) "SUICIDE" MEANS THE ACT OR INSTANCE OF INTENTIONALLY
2 TAKING ONE'S OWN LIFE.

3 (B) AN INDIVIDUAL OR LICENSED HEALTH CARE PROFESSIONAL MAY NOT,
4 WITH THE PURPOSE OF ASSISTING ANOTHER PERSON TO COMMIT OR TO ATTEMPT
5 TO COMMIT SUICIDE:

6 (1) KNOWINGLY CAUSE, BY COERCION, DURESS, OR DECEPTION,
7 ANOTHER PERSON TO COMMIT SUICIDE OR TO ATTEMPT TO COMMIT SUICIDE;

8 (2) KNOWINGLY PROVIDE THE PHYSICAL MEANS BY WHICH ANOTHER
9 PERSON COMMITS OR ATTEMPTS TO COMMIT SUICIDE; OR

10 (3) KNOWINGLY PARTICIPATE IN A PHYSICAL ACT BY WHICH ANOTHER
11 PERSON COMMITS OR ATTEMPTS TO COMMIT SUICIDE.

12 (C) (1) A LICENSED HEALTH CARE PROFESSIONAL WHO ADMINISTERS,
13 PRESCRIBES, OR DISPENSES MEDICATIONS OR PROCEDURES TO RELIEVE PAIN, EVEN
14 IF THE MEDICATION OR PROCEDURE MAY HASTEN OR INCREASE THE RISK OF
15 DEATH, IS NOT IN VIOLATION OF SUBSECTION (B) OF THIS SECTION UNLESS THE
16 MEDICATIONS OR PROCEDURES ARE KNOWINGLY ADMINISTERED, PRESCRIBED, OR
17 DISPENSED TO CAUSE DEATH.

18 (2) A LICENSED HEALTH CARE PROFESSIONAL WHO WITHHOLDS OR
19 WITHDRAWS A MEDICALLY ADMINISTERED LIFE SUSTAINING PROCEDURE IN
20 COMPLIANCE WITH § 5-609 OF THE HEALTH - GENERAL ARTICLE OR IN ACCORDANCE
21 WITH REASONABLE MEDICAL PRACTICE IS NOT IN VIOLATION OF SUBSECTION (B) OF
22 THIS SECTION.

23 (3) THIS SUBSECTION MAY NOT BE CONSTRUED TO AFFECT THE DUTY,
24 CARE, OR LEGAL REQUIREMENTS CONCERNING ACTS OR OMISSIONS UNDER
25 PARAGRAPH (1) OR (2) OF THIS SUBSECTION.

26 (D) (1) A PERSON WITH STANDING MAY PETITION FOR INJUNCTIVE RELIEF
27 AGAINST A PERSON WHO IS REASONABLY BELIEVED TO BE INTENDING TO VIOLATE
28 SUBSECTION (B) OF THIS SECTION.

29 (2) A PERSON SHALL HAVE STANDING IF THE PERSON IS:

30 (I) THE SPOUSE, PARENT, CHILD, OR SIBLING OF THE PERSON
31 WHO WOULD COMMIT SUICIDE;

32 (II) ENTITLED TO INHERIT FROM THE PERSON WHO WOULD
33 COMMIT SUICIDE;

34 (III) A LEGALLY APPOINTED GUARDIAN OR CONSERVATOR OF THE
35 PERSON WHO WOULD COMMIT SUICIDE;

36 (IV) ANY PERSON OR ENTITY CURRENTLY OR FORMERLY
37 PROVIDING HEALTH CARE TO THE PERSON WHO WOULD COMMIT SUICIDE; OR

1 (V) A STATE'S ATTORNEY OR THE ATTORNEY GENERAL.

2 (3) INJUNCTIVE RELIEF SHALL PREVENT A PERSON FROM ASSISTING A
3 SUICIDE IN THE STATE.

4 (E) A PERSON GIVEN STANDING BY SUBSECTION (D)(2)(I) THROUGH (III) OF
5 THIS SECTION, OR A PERSON WHO WOULD HAVE COMMITTED SUICIDE IN THE CASE
6 OF AN ATTEMPT, MAY MAINTAIN A CAUSE OF ACTION FOR COMPENSATORY AND
7 PUNITIVE DAMAGES AGAINST A PERSON WHO VIOLATES OR ATTEMPTS TO VIOLATE
8 SUBSECTION (B) OF THIS SECTION. THE PLAINTIFF MAY BRING AN ACTION UNDER
9 THIS SUBSECTION WHETHER OR NOT THE PLAINTIFF HAD PRIOR KNOWLEDGE OF
10 THE VIOLATION OF, OR ATTEMPT TO VIOLATE, SUBSECTION (B) OF THIS SECTION.

11 (F) THE COURT, IN ITS DISCRETION, MAY ALLOW THE PREVAILING PLAINTIFF
12 REASONABLE ATTORNEY'S FEES IN ANY ACTION OR PROCEEDING BROUGHT UNDER
13 SUBSECTION (D) OR (E) OF THIS SECTION.

14 (G) (1) THE LICENSING BOARD THAT ISSUED A LICENSE TO A LICENSED
15 HEALTH CARE PROFESSIONAL WHO ASSISTED IN A SUICIDE IN VIOLATION OF
16 SUBSECTION (B) OF THIS SECTION MAY REVOKE OR SUSPEND THE LICENSE OF THAT
17 PERSON UPON RECEIPT OF:

18 (I) A COPY OF THE COURT RECORD OF THE CRIMINAL CONVICTION
19 OR PLEA OF GUILTY FOR A VIOLATION OF SUBSECTION (B) OF THIS SECTION;

20 (II) A COPY OF THE RECORD OF A JUDGMENT OF CONTEMPT OF
21 COURT FOR VIOLATING AN INJUNCTION ISSUED UNDER SUBSECTION (D) OF THIS
22 SECTION; OR

23 (III) A COPY OF THE COURT RECORD OF A JUDGMENT ASSESSING
24 DAMAGES UNDER SUBSECTION (E) OF THIS SECTION.

25 (2) FINDINGS OF THE BOARD THAT ISSUED A LICENSE TO A LICENSED
26 HEALTH CARE PROFESSIONAL WHO ASSISTED IN A SUICIDE ARE ADMISSIBLE IN
27 CRIMINAL OR CIVIL PROCEEDINGS.

28 (H) AN INDIVIDUAL OR LICENSED HEALTH CARE PROFESSIONAL WHO
29 VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT
30 TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR
31 BOTH.

32 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
33 Act or the application thereof to any person or circumstance is held invalid for any
34 reason in a court of competent jurisdiction, the invalidity does not affect other
35 provisions or any other application of this Act which can be given effect without the
36 invalid provision or application, and for this purpose the provisions of this Act are
37 declared severable.

38 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
39 October 1, 1998.

