

SENATE BILL 220

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1998 Regular Session  
8lr0806  
CF 8lr2426

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By: **Senators Stone, Jimeno, Haines, Dyson, McCabe, and Middlebrooks**  
Introduced and read first time: January 29, 1998  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 19, 1998

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CHAPTER \_\_\_\_\_

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.

1           (2)     "LICENSED HEALTH CARE PROFESSIONAL" MEANS A DULY LICENSED  
2 PHYSICIAN, SURGEON, PODIATRIST, OSTEOPATH, OSTEOPATHIC PHYSICIAN,  
3 OSTEOPATHIC SURGEON, PHYSICIAN ASSISTANT, REGISTERED NURSE, LICENSED  
4 PRACTICAL NURSE, NURSE PRACTITIONER, DENTIST, OR PHARMACIST.

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

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

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

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

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

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

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

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

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

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

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

36                   (II)    ENTITLED TO INHERIT FROM THE PERSON WHO WOULD  
37 COMMIT SUICIDE;

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

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

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

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

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

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

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

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

24 (II) A COPY OF THE RECORD OF A JUDGMENT OF CONTEMPT OF  
25 COURT FOR VIOLATING AN INJUNCTION ISSUED UNDER SUBSECTION (D) OF THIS  
26 SECTION; OR

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

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

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

36 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this  
37 Act or the application thereof to any person or circumstance is held invalid for any  
38 reason in a court of competent jurisdiction, the invalidity does not affect other

1 provisions or any other application of this Act which can be given effect without the  
2 invalid provision or application, and for this purpose the provisions of this Act are  
3 declared severable.

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