

HOUSE BILL 496

Unofficial Copy
E1

1999 Regular Session
9r1549
CF 9r1743

By: **Delegates Dewberry, Amedori, Boschert, Conroy, Conway, Elliott, Hill,
Howard, K. Kelly, Linton, O'Donnell, Proctor, and Valderrama**

Introduced and read first time: February 10, 1999

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 416 to be under the new subheading "Assisted Suicide"
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1998 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

20 416.

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, REGISTERED NURSE, LICENSED
26 PRACTICAL NURSE, NURSE PRACTITIONER, DENTIST, 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 INCREASE THE RISK OF DEATH, IS NOT IN
15 VIOLATION OF SUBSECTION (B) OF THIS SECTION, PROVIDED THAT THE
16 MEDICATIONS OR PROCEDURES ARE NOT ALSO ADMINISTERED, PRESCRIBED, OR
17 DISPENSED FOR THE PURPOSE OF CAUSING, OR ASSISTING IN CAUSING, DEATH FOR
18 ANY REASON.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1999.