

HOUSE BILL 496

Unofficial Copy  
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1999 Regular Session  
9r1549  
CF 9r1743

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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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 1999

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

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**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:

1 **Article 27 - Crimes and Punishments**

## 2 ASSISTED SUICIDE

3 416.

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.6 (2) "LICENSED HEALTH CARE PROFESSIONAL" MEANS A DULY LICENSED  
7 PHYSICIAN, SURGEON, PODIATRIST, OSTEOPATH, OSTEOPATHIC PHYSICIAN,  
8 OSTEOPATHIC SURGEON, PHYSICIAN ASSISTANT, REGISTERED NURSE, LICENSED  
9 PRACTICAL NURSE, NURSE PRACTITIONER, DENTIST, OR PHARMACIST.10 (3) "SUICIDE" MEANS THE ACT OR INSTANCE OF INTENTIONALLY  
11 TAKING ONE'S OWN LIFE.12 (B) AN INDIVIDUAL ~~OR LICENSED HEALTH CARE PROFESSIONAL~~ MAY NOT,  
13 WITH THE PURPOSE OF ASSISTING ANOTHER PERSON TO COMMIT OR TO ATTEMPT  
14 TO COMMIT SUICIDE:15 (1) KNOWINGLY CAUSE, BY COERCION, DURESS, OR DECEPTION,  
16 ANOTHER PERSON TO COMMIT SUICIDE OR TO ATTEMPT TO COMMIT SUICIDE;17 (2) KNOWINGLY PROVIDE THE PHYSICAL MEANS BY WHICH ANOTHER  
18 PERSON COMMITS OR ATTEMPTS TO COMMIT SUICIDE WITH KNOWLEDGE OF THE  
19 PERSON'S INTENT TO USE THE PHYSICAL MEANS TO COMMIT SUICIDE; OR20 (3) KNOWINGLY PARTICIPATE IN A PHYSICAL ACT BY WHICH ANOTHER  
21 PERSON COMMITS OR ATTEMPTS TO COMMIT SUICIDE.22 (C) (1) A LICENSED HEALTH CARE PROFESSIONAL WHO ADMINISTERS,  
23 PRESCRIBES, OR DISPENSES MEDICATIONS OR PROCEDURES TO RELIEVE PAIN, EVEN  
24 IF THE MEDICATION OR PROCEDURE MAY HASTEN OR INCREASE THE RISK OF  
25 DEATH, IS NOT IN VIOLATION OF SUBSECTION (B) OF THIS SECTION, PROVIDED THAT  
26 THE MEDICATIONS OR PROCEDURES ARE NOT ALSO ADMINISTERED, PRESCRIBED,  
27 OR DISPENSED FOR THE PURPOSE OF CAUSING, OR ASSISTING IN CAUSING, DEATH  
28 FOR ANY REASON UNLESS THE MEDICATIONS OR PROCEDURES ARE KNOWINGLY  
29 ADMINISTERED, PRESCRIBED, OR DISPENSED TO CAUSE DEATH.30 (2) A FAMILY MEMBER WHO IS A CARE GIVER FOR A PATIENT ENROLLED  
31 IN A LICENSED HOSPICE PROGRAM AND WHO UNDER THE SUPERVISION OF A  
32 HEALTH CARE PROFESSIONAL ADMINISTERS OR DISPENSES MEDICATIONS OR  
33 PROCEDURES TO RELIEVE PAIN, EVEN IF THE MEDICATION OR PROCEDURE MAY  
34 HASTEN OR INCREASE THE RISK OF DEATH, IS NOT IN VIOLATION OF SUBSECTION (B)  
35 OF THIS SECTION UNLESS THE MEDICATIONS OR PROCEDURES ARE KNOWINGLY  
36 ADMINISTERED OR DISPENSED TO CAUSE DEATH.37 (3) A LICENSED HEALTH CARE PROFESSIONAL WHO WITHHOLDS  
38 OR WITHDRAWS A MEDICALLY ADMINISTERED LIFE SUSTAINING PROCEDURE IN

1 COMPLIANCE WITH ~~§ 5-609~~ THE HEALTH CARE DECISIONS ACT UNDER TITLE 5,  
2 SUBTITLE 6 OF THE HEALTH - GENERAL ARTICLE OR IN ACCORDANCE WITH  
3 REASONABLE MEDICAL PRACTICE IS NOT IN VIOLATION OF SUBSECTION (B) OF THIS  
4 SECTION.

5 ~~(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO AFFECT THE DUTY,~~  
6 ~~CARE, OR LEGAL REQUIREMENTS CONCERNING ACTS OR OMISSIONS UNDER~~  
7 ~~PARAGRAPH (1) OR (2) OF THIS SUBSECTION.~~

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

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

12 ~~(I) THE SPOUSE, PARENT, CHILD, OR SIBLING OF THE PERSON~~  
13 ~~WHO WOULD COMMIT SUICIDE;~~

14 ~~(II) ENTITLED TO INHERIT FROM THE PERSON WHO WOULD~~  
15 ~~COMMIT SUICIDE;~~

16 ~~(III) A LEGALLY APPOINTED GUARDIAN OR CONSERVATOR OF THE~~  
17 ~~PERSON WHO WOULD COMMIT SUICIDE;~~

18 ~~(IV) ANY PERSON OR ENTITY CURRENTLY OR FORMERLY~~  
19 ~~PROVIDING HEALTH CARE TO THE PERSON WHO WOULD COMMIT SUICIDE; OR~~

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

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

23 ~~(E) A PERSON GIVEN STANDING BY SUBSECTION (D)(2)(I) THROUGH (III) OF~~  
24 ~~THIS SECTION, OR A PERSON WHO WOULD HAVE COMMITTED SUICIDE IN THE CASE~~  
25 ~~OF AN ATTEMPT, MAY MAINTAIN A CAUSE OF ACTION FOR COMPENSATORY AND~~  
26 ~~PUNITIVE DAMAGES AGAINST A PERSON WHO VIOLATES OR ATTEMPTS TO VIOLATE~~  
27 ~~SUBSECTION (B) OF THIS SECTION. THE PLAINTIFF MAY BRING AN ACTION UNDER~~  
28 ~~THIS SUBSECTION WHETHER OR NOT THE PLAINTIFF HAD PRIOR KNOWLEDGE OF~~  
29 ~~THE VIOLATION OF, OR ATTEMPT TO VIOLATE, SUBSECTION (B) OF THIS SECTION.~~

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

33 ~~(G) (1) THE LICENSING BOARD THAT ISSUED A LICENSE TO A LICENSED~~  
34 ~~HEALTH CARE PROFESSIONAL WHO ASSISTED IN A SUICIDE IN VIOLATION OF~~  
35 ~~SUBSECTION (B) OF THIS SECTION MAY REVOKE OR SUSPEND THE LICENSE OF THAT~~  
36 ~~PERSON UPON RECEIPT OF:~~

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

3                    (II)    ~~A COPY OF THE RECORD OF A JUDGMENT OF CONTEMPT OF~~  
4 ~~COURT FOR VIOLATING AN INJUNCTION ISSUED UNDER SUBSECTION (D) OF THIS~~  
5 ~~SECTION; OR~~

6                    (III)   ~~A COPY OF THE COURT RECORD OF A JUDGMENT ASSESSING~~  
7 ~~DAMAGES UNDER SUBSECTION (E) OF THIS SECTION.~~

8                    (2)     ~~FINDINGS OF THE BOARD THAT ISSUED A LICENSE TO A LICENSED~~  
9 ~~HEALTH CARE PROFESSIONAL WHO ASSISTED IN A SUICIDE ARE ADMISSIBLE IN~~  
10 ~~CRIMINAL OR CIVIL PROCEEDINGS.~~

11        (II)    (D)     ~~AN INDIVIDUAL OR LICENSED HEALTH CARE PROFESSIONAL WHO~~  
12 ~~VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT~~  
13 ~~TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS 1~~  
14 ~~YEAR OR BOTH.~~

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

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