

SENATE BILL 319

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1999 Regular Session
(9lr1743)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Stone, DeGrange, Dyson, Ferguson, Haines, Harris,
Jacobs, Jimeno, McCabe, Munson, Hooper, Mooney, Stoltzfus, and
Lawlah**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

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 416 to be under the new subheading "Assisted Suicide"

14 Annotated Code of Maryland

1 (1996 Replacement Volume and 1998 Supplement)

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

4 **Article 27 - Crimes and Punishments**

5 ASSISTED SUICIDE

6 416.

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (2) "LICENSED HEALTH CARE PROFESSIONAL" MEANS A DULY LICENSED
10 PHYSICIAN, SURGEON, PODIATRIST, OSTEOPATH, OSTEOPATHIC PHYSICIAN,
11 OSTEOPATHIC SURGEON, PHYSICIAN ASSISTANT, REGISTERED NURSE, LICENSED
12 PRACTICAL NURSE, NURSE PRACTITIONER, DENTIST, ~~OR OR~~ PHARMACIST, ~~OR AN~~
13 ~~EMERGENCY MEDICAL SERVICES PROVIDER AS DEFINED IN § 13-516 OF THE~~
14 ~~EDUCATION ARTICLE.~~

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

17 (B) AN INDIVIDUAL ~~OR LICENSED HEALTH CARE PROFESSIONAL~~ MAY NOT,
18 WITH THE PURPOSE OF ASSISTING ANOTHER PERSON TO COMMIT OR TO ATTEMPT
19 TO COMMIT SUICIDE:

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

22 (2) KNOWINGLY PROVIDE THE PHYSICAL MEANS BY WHICH ANOTHER
23 PERSON COMMITS OR ATTEMPTS TO COMMIT SUICIDE WITH KNOWLEDGE OF THE
24 PERSON'S INTENT TO USE THE PHYSICAL MEANS TO COMMIT SUICIDE; OR

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

27 (C) (1) A LICENSED HEALTH CARE PROFESSIONAL WHO ADMINISTERS,
28 PRESCRIBES, OR DISPENSES MEDICATIONS OR PROCEDURES TO RELIEVE PAIN, EVEN
29 IF THE MEDICATION OR PROCEDURE MAY HASTEN OR INCREASE THE RISK OF
30 DEATH, IS NOT IN VIOLATION OF SUBSECTION (B) OF THIS SECTION, PROVIDED THAT
31 THE MEDICATIONS OR PROCEDURES ARE NOT ALSO ADMINISTERED, PRESCRIBED,
32 OR DISPENSED FOR THE PURPOSE OF CAUSING, OR ASSISTING IN CAUSING, DEATH
33 FOR ANY REASON UNLESS THE MEDICATIONS OR PROCEDURES ARE KNOWINGLY
34 ADMINISTERED, PRESCRIBED, OR DISPENSED TO CAUSE DEATH.

35 (2) A FAMILY MEMBER WHO IS A CARE GIVER FOR A PATIENT ENROLLED
36 IN A LICENSED HOSPICE PROGRAM AND WHO UNDER THE SUPERVISION OF A
37 HEALTH CARE PROFESSIONAL ADMINISTERS OR DISPENSES MEDICATIONS OR

1 PROCEDURES TO RELIEVE PAIN, EVEN IF THE MEDICATION OR PROCEDURE MAY
 2 HASTEN OR INCREASE THE RISK OF DEATH, IS NOT IN VIOLATION OF SUBSECTION
 3 (B) OF THIS SECTION UNLESS THE MEDICATIONS OR PROCEDURES ARE KNOWINGLY
 4 ADMINISTERED OR DISPENSED TO CAUSE DEATH.

5 ~~(2)~~ (3) A LICENSED HEALTH CARE PROFESSIONAL WHO WITHHOLDS
 6 OR WITHDRAWS A MEDICALLY ADMINISTERED LIFE SUSTAINING PROCEDURE IN
 7 COMPLIANCE WITH ~~§ 5-609~~ THE HEALTH CARE DECISIONS ACT UNDER TITLE 5,
 8 SUBTITLE 6 OF THE HEALTH - GENERAL ARTICLE OR IN ACCORDANCE WITH
 9 REASONABLE MEDICAL PRACTICE IS NOT IN VIOLATION OF SUBSECTION (B) OF THIS
 10 SECTION.

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

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

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

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

20 ~~(II)~~ ENTITLED TO INHERIT FROM THE PERSON WHO WOULD
 21 COMMIT SUICIDE;

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

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

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

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

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

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

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

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

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

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

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

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

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

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