

SENATE BILL 319

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1999 Regular Session  
9r1743  
CF 9r1549

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

Introduced and read first time: February 5, 1999

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 1999

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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 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, OR AN  
10 EMERGENCY MEDICAL SERVICES PROVIDER AS DEFINED IN § 13-516 OF THE  
11 EDUCATION ARTICLE.12 (3) "SUICIDE" MEANS THE ACT OR INSTANCE OF INTENTIONALLY  
13 TAKING ONE'S OWN LIFE.14 (B) AN INDIVIDUAL OR LICENSED HEALTH CARE PROFESSIONAL MAY NOT,  
15 WITH THE PURPOSE OF ASSISTING ANOTHER PERSON TO COMMIT OR TO ATTEMPT  
16 TO COMMIT SUICIDE:17 (1) KNOWINGLY CAUSE, BY COERCION, DURESS, OR DECEPTION,  
18 ANOTHER PERSON TO COMMIT SUICIDE OR TO ATTEMPT TO COMMIT SUICIDE;19 (2) KNOWINGLY PROVIDE THE PHYSICAL MEANS BY WHICH ANOTHER  
20 PERSON COMMITS OR ATTEMPTS TO COMMIT SUICIDE WITH KNOWLEDGE OF THE  
21 PERSON'S INTENT TO USE THE PHYSICAL MEANS TO COMMIT SUICIDE; OR22 (3) KNOWINGLY PARTICIPATE IN A PHYSICAL ACT BY WHICH ANOTHER  
23 PERSON COMMITS OR ATTEMPTS TO COMMIT SUICIDE.24 (C) (1) A LICENSED HEALTH CARE PROFESSIONAL WHO ADMINISTERS,  
25 PRESCRIBES, OR DISPENSES MEDICATIONS OR PROCEDURES TO RELIEVE PAIN, EVEN  
26 IF THE MEDICATION OR PROCEDURE MAY HASTEN OR INCREASE THE RISK OF  
27 DEATH, IS NOT IN VIOLATION OF SUBSECTION (B) OF THIS SECTION, ~~PROVIDED THAT~~  
28 ~~THE MEDICATIONS OR PROCEDURES ARE NOT ALSO ADMINISTERED, PRESCRIBED,~~  
29 ~~OR DISPENSED FOR THE PURPOSE OF CAUSING, OR ASSISTING IN CAUSING, DEATH~~  
30 ~~FOR ANY REASON UNLESS THE MEDICATIONS OR PROCEDURES ARE KNOWINGLY~~  
31 ADMINISTERED, PRESCRIBED, OR DISPENSED TO CAUSE DEATH.32 (2) A LICENSED HEALTH CARE PROFESSIONAL WHO WITHHOLDS OR  
33 WITHDRAWS A MEDICALLY ADMINISTERED LIFE SUSTAINING PROCEDURE IN  
34 COMPLIANCE WITH § 5-609 OF THE HEALTH - GENERAL ARTICLE OR IN ACCORDANCE  
35 WITH REASONABLE MEDICAL PRACTICE IS NOT IN VIOLATION OF SUBSECTION (B) OF  
36 THIS SECTION.

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

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

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

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

10 (II) ENTITLED TO INHERIT FROM THE PERSON WHO WOULD  
11 COMMIT SUICIDE;

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

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

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

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

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

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

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

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

35 (II) A COPY OF THE RECORD OF A JUDGMENT OF CONTEMPT OF  
36 COURT FOR VIOLATING AN INJUNCTION ISSUED UNDER SUBSECTION (D) OF THIS  
37 SECTION; OR

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

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

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

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

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