

HOUSE BILL 154
EMERGENCY BILL

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2000 Regular Session
0lr0047

By: **Chairman, Judiciary Committee (Departmental - Md. Inst. for Emer. Medical Serv. Sys.)**

Introduced and read first time: January 19, 2000

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Assisted Suicide - Definition of "Licensed Health Care Professional"**

3 FOR the purpose of altering the definition of "licensed health care professional" to
4 include emergency medical services providers in order to make certain
5 provisions that exclude a licensed health care professional from criminal
6 liability for performing certain activities applicable to emergency medical
7 services providers; providing for the application of this Act; making this Act an
8 emergency measure; and generally relating to emergency medical services
9 providers.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 416
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1999 Supplement)

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

17 **Article 27 - Crimes and Punishments**

18 416.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) "Licensed health care professional" means a duly licensed physician,
21 surgeon, podiatrist, osteopath, osteopathic physician, osteopathic surgeon, physician
22 assistant, registered nurse, licensed practical nurse, nurse practitioner, dentist, [or]
23 pharmacist, OR AN EMERGENCY MEDICAL SERVICES PROVIDER AS DEFINED IN §
24 13-516 OF THE EDUCATION ARTICLE.

25 (3) "Suicide" means the act or instance of intentionally taking one's own
26 life.

1 (b) An individual may not, with the purpose of assisting another person to
2 commit or to attempt to commit suicide:

3 (1) Knowingly cause, by coercion, duress, or deception, another person to
4 commit suicide or to attempt to commit suicide;

5 (2) Knowingly provide the physical means by which another person
6 commits or attempts to commit suicide with knowledge of the person's intent to use
7 the physical means to commit suicide; or

8 (3) Knowingly participate in a physical act by which another person
9 commits or attempts to commit suicide.

10 (c) (1) A licensed health care professional who administers, prescribes, or
11 dispenses medications or procedures to relieve pain, even if the medication or
12 procedure may hasten or increase the risk of death, is not in violation of subsection (b)
13 of this section unless the medications or procedures are knowingly administered,
14 prescribed, or dispensed to cause death.

15 (2) A family member who is a care giver for a patient enrolled in a
16 licensed hospice program and who under the supervision of a health care professional
17 administers or dispenses medications or procedures to relieve pain, even if the
18 medication or procedure may hasten or increase the risk of death, is not in violation of
19 subsection (b) of this section unless the medications or procedures are knowingly
20 administered or dispensed to cause death.

21 (3) A licensed health care professional who withholds or withdraws a
22 medically administered life sustaining procedure in compliance with the Health Care
23 Decisions Act under Title 5, Subtitle 6 of the Health - General Article or in accordance
24 with reasonable medical practice is not in violation of subsection (b) of this section.

25 (d) An individual who violates this section is guilty of a felony and on
26 conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding 1
27 year or both.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
29 construed retroactively and shall be applied to and interpreted to affect all potential
30 criminal liability of emergency medical services providers under Article 27, § 416 of
31 the Annotated Code of Maryland arising from an incident occurring on or after
32 October 1, 1999.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an
34 emergency measure, is necessary for the immediate preservation of the public health
35 and safety, has been passed by a ye and nay vote supported by three-fifths of all the
36 members elected to each of the two Houses of the General Assembly, and shall take
37 effect from the date it is enacted.