

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 205
Judiciary

(Chairman, Judiciary Committee and Delegate Grosfeld)

Criminal Law - Assisted Suicide - Family Care Exemption - Scope

This bill clarifies that a family member is exempt from prosecution for assisted suicide if the family member administers a procedure or administers or dispenses medication to relieve pain under the supervision of a *licensed* health care professional.

Fiscal Summary

State Effect: The bill's clarification is not expected to significantly affect State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Unless the family member knowingly administers a procedure or administers or dispenses a medication to cause death, a family member does not violate the State's assisted suicide provisions if the family member: (1) is a care giver for a patient enrolled in a licensed hospice program; and (2) administers the procedure or administers or dispenses the medication to relieve pain under the supervision of a health care professional. This provision has application even if the medication or procedure hastens death or increases the risk of death.

Under provisions governing assisted suicide, "licensed health care professional" means a duly licensed or certified: (1) physician; (2) surgeon; (3) podiatrist; (4) osteopath; (5)

osteopathic physician; (6) osteopathic surgeon; (7) physician assistant; (8) registered nurse; (9) licensed practical nurse; (10) nurse practitioner; (11) dentist; (12) pharmacist; or (13) emergency medical services provider.

Background: This bill is the result of the work of the Criminal Law Article Code Revision Committee. While revising the criminal laws, the committee encountered issues that were not appropriate for inclusion in the code revision bill because they involved substantive changes to the law. In the revisor's notes to House Bill 11, the Criminal Law Article code revision bill, the committee recommended that the General Assembly address these issues. This is one of several bills resulting from these recommendations.

The committee noted that the reference to a “health care professional” in the provision addressed by this bill, which describes the individual under whose supervision a family member may administer pain relief, omits the qualification “licensed” used elsewhere in this subtitle in the defined term “licensed health care professional.”

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Criminal Law Article Review Committee, Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2002
mam/cer

Analysis by: Guy G. Cherry

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510