

1 HB96
2 181159-3
3 By Representative Butler
4 RFD: Health
5 First Read: 07-FEB-17
6 PFD: 02/06/2017

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ENROLLED, An Act,

To establish the Assisted Suicide Ban Act; to prohibit a person or a health care provider from providing aid in dying under certain conditions; to provide civil and criminal penalties; and in connection therewith to have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Assisted Suicide Ban Act.

Section 2. The Legislature finds all of the following:

(1) In almost every state, it is a crime to assist a suicide. These bans are long-standing expressions of the commitment of the states to protect and preserve all human life.

(2) The state has an interest in protecting vulnerable groups, including the impoverished, the elderly, and disabled persons from abuse, neglect, and mistakes. A ban on assisted suicide reflects and reinforces our belief that

1 the lives of those in vulnerable groups are no less valued
2 than the lives of the young and healthy.

3 (3) The state has an interest in protecting the
4 integrity and ethics of the medical profession, including its
5 obligation to serve its patients as healers and adhere to the
6 principles articulated in the Hippocratic Oath.

7 (4) The state recognizes the close link between
8 physician-assisted suicide and euthanasia where a right to die
9 can easily become a duty to die. A prohibition against
10 assisted suicide is the only reasonable means to protect
11 against foreseeable abuses.

12 (5) The state recognizes the distinction between a
13 patient refusing life-sustaining medical treatment where he or
14 she dies from the underlying fatal disease and a patient
15 ingesting or administering a lethal medication prescribed by a
16 physician, where the medication is the cause of death. The
17 state also recognizes the difference between pain management
18 intended to alleviate pain and pain medicine used to assist in
19 causing death.

20 Section 3. As used in this act, the following terms
21 shall have the following meanings:

22 (1) AID IN DYING. The act of a person providing the
23 means or manner for another person to be able to commit
24 suicide, with actual knowledge that the person deliberately
25 intends on committing suicide by that means or manner.

1 (2) ARTIFICIALLY PROVIDED NUTRITIONAL HYDRATION. A
2 medical treatment consisting of the administration of food and
3 water through a tube or intravenous line, where the recipient
4 is not required to chew or swallow voluntarily. Artificially
5 provided nutrition and hydration does not include assisted
6 feeding, such as spoon or bottle feeding.

7 (3) DELIBERATELY. More than knowing the consequences
8 of an act or action; meaning to consider carefully; done on
9 purpose; intentional; requiring premeditation; with intent to
10 cause the death of a person.

11 (4) HEALTH CARE PROVIDER. Any individual who may be
12 asked to participate in any way in a health care service,
13 including, but not limited to, a physician, physician's
14 assistant, nurse, nurse's aide, medical assistant, hospital
15 employee, clinic employee, nursing home employee, pharmacist,
16 pharmacy employee, researcher, medical or nursing school
17 faculty member, student, or employee, counselor, social
18 worker, or any professional, paraprofessional, or any other
19 person who furnishes or assists in the furnishing of health
20 care services.

21 (5) LIFE-SUSTAINING TREATMENT. Any medical
22 treatment, procedure, or intervention that, in the judgment of
23 the attending physician, when applied to the patient, would
24 serve only to prolong the dying process where the patient has
25 a terminal illness or injury, or would serve only to maintain

1 the patient in a condition of permanent unconsciousness. These
 2 procedures include, but are not limited to, assisted
 3 ventilation, cardiopulmonary resuscitation, renal dialysis,
 4 surgical procedures, blood transfusions, and the
 5 administration of drugs and antibiotics. Life-sustaining
 6 treatment does not include the administration of medication or
 7 the performance of any medical treatment where, in the opinion
 8 of the attending physician, the medication or treatment is
 9 necessary to provide comfort or to alleviate pain.

10 (6) PERSON. Any natural person, and when
 11 appropriate, an organization, to include all of the following:

12 a. A public or private corporation, company,
 13 association, firm, partnership, or joint-stock company.

14 b. Government or a governmental instrumentality.

15 c. A foundation, institution, society, union, club,
 16 or church.

17 (7) PHYSICIAN. A person licensed to practice
 18 medicine in the state, including medical doctors and doctors
 19 of osteopathy.

20 (8) SUICIDE. The act or instance of taking one's own
 21 life voluntarily and intentionally.

22 Section 4. (a) Any person who deliberately assists
 23 another person to commit suicide or provides aid in dying is
 24 guilty of a Class C felony.

1 (b) Any physician or health care provider who
2 prescribes any drug, compound, or substance to a patient
3 deliberately to aid in dying or assists or performs any
4 medical procedure deliberately to aid in dying is guilty of a
5 Class C felony.

6 Section 5. (a) Any person, physician, or health care
7 provider who deliberately violates this act by aiding in dying
8 shall be liable for damages.

9 (b) If any person deliberately aids in dying in
10 violation of this act that results in death, the personal
11 representative or administrator of the estate of the decedent
12 may bring an appropriate action for wrongful death.

13 (c) Any physician or other health care provider who
14 deliberately aids in dying in violation of this act shall be
15 considered to have engaged in unprofessional conduct for which
16 his or her license to provide health care services in the
17 state shall be suspended or revoked by the appropriate
18 licensing board.

19 Section 6. Nothing in this act shall be construed to
20 prohibit a physician or health care provider from doing any of
21 the following:

22 (1) Participating in the execution of a person
23 sentenced by a court to death by ~~lethal injection~~ any means
24 recognized by Alabama law.

1 (2) Following a patient's wishes or health care
2 proxy's instructions to withhold or withdraw life-sustaining
3 treatment or artificially provided nutritional hydration.

4 (3) Prescribing and administering palliative care or
5 pain medication treatment options intended to relieve pain
6 while the illness or condition of the patient follows its
7 natural course.

8 (4) Following the wishes or instructions of an
9 individual which are made in compliance with Chapter 8A of
10 Title 22, Code of Alabama 1975.

11 Section 7. It is the intent of the Legislature that
12 the Attorney General exhaust the internal resources and
13 personnel of the office prior to the retention of any outside
14 counsel to assist in the defense of any constitutional
15 challenge to this act.

16 Section 8. Although this bill would have as its
17 purpose or effect the requirement of a new or increased
18 expenditure of local funds, the bill is excluded from further
19 requirements and application under Amendment 621, now
20 appearing as Section 111.05 of the Official Recompilation of
21 the Constitution of Alabama of 1901, as amended, because the
22 bill defines a new crime or amends the definition of an
23 existing crime.

24 Section 9. The provisions of this act are severable.
25 If any part of this act is declared invalid or

1 unconstitutional, that declaration shall not affect the part
2 which remains.

3 Section 10. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 16-MAR-17.

Jeff Woodard
Clerk

Senate	20-APR-17	Amended and Passed
House	25-APR-17	Concurred in Senate Amendment