



## Representative Harriet Drummond

### House Bill 99 Sectional Analysis "Voluntary Termination of Life"

#### **Section 1:**

*Page 1: Lines 4-7*

Amends AS 11.41.115 (defenses to murder) to allow an affirmative defense for acting under 13.55.

#### **Section 2:**

*Page 1: Lines 8-10*

Adds a new subsection to AS 11.41.120 (manslaughter) to establish an affirmative defense to a prosecution for manslaughter for performing any action allowed in AS 13.55.

#### **Section 3:**

*Pages 1-14: Lines 11-24*

Adds a new chapter AS 13.55, which provides the process in which terminally ill individuals may request medication to terminate their life.

**Sec. 13.55.010:** Describes which individuals may terminate their life under the new chapter. Lists the criteria for being a qualified individual. Includes state residency, being an adult, being capable, having a terminal disease, and having voluntarily expressed the wish to die. States that age or disability is not sufficient by itself to qualify.

**Sec. 13.55.020:** Authorizes a qualified individual's attending physician to dispense or write a prescription for the necessary medication if the physician complies with the chapter. Authorizes a pharmacist to dispense the prescribed medication to the qualified individual, the attending physician, or an agent of the qualified individual.

**Sec. 13.55.030:** Requires a qualified individual to make an oral request and a written request to their attending physician to receive the necessary medication. Requires the qualified individual to repeat the oral request 15 days after the initial request. Provides alternative request methods for qualified individuals who are not able to speak or not able to sign the request.

**Sec. 13.55.040:** Directs the attending physician to offer the qualified individual the opportunity to rescind the initial oral request and the written request when the qualified individual makes the second oral request. Allows a qualified individual to rescind a request at any time. Prohibits an attending physician from dispensing or prescribing medication unless the physician offers the qualified individual an opportunity to rescind the request.

**Sec. 13.55.050:** Sets up the requirements for the written request. Prohibits the attending physician from being a witness. Requires the witnesses to attest that the qualified individual is capable, acting voluntarily, and not under undue influence to sign. Sets limits on who may be witness.

**Sec. 13.55.060:** Lays out a form for the written request to be signed by the qualified individual.

**Sec. 13.55.070:** Lays out the duties of the attending physician. Includes determining whether the individual has a terminal disease, is capable, and has made the medication request voluntarily. Also includes providing certain listed information to the individual about the medical diagnosis and prognosis, the risks and probable result of taking the medication, and feasible alternatives. Requires the physician to refer the individual to a consulting physician to confirm the diagnosis and to determine that the individual is capable and acting voluntarily. Requires the physician to refer the individual for counseling if appropriate under Sec. 13.55.090. Lists other duties of the attending physician. Allows the attending physician to sign the death certificate.

**Sec. 13.55.080:** Before an individual can qualify under the chapter, it requires a consulting physician to examine the individual and confirm the attending physician's diagnosis of a terminal disease, and to verify that the individual is capable, acting voluntarily, and has made an informed decision.

**Sec. 13.55.090:** Requires the attending or consulting physician to refer the individual for counseling and prohibits the dispensing or prescribing of the necessary medicine until the counselor determines that the individual is not suffering from depression causing impaired judgment.

**Sec. 13.55.100:** Prohibits the attending physician from dispensing or prescribing medication unless the qualified individual has made an informed decision.

**Sec. 13.55.110:** Prohibits the attending physician from denying the medication request because the individual declines or cannot notify next of kin.

**Sec. 13.55.120:** Requires certain waiting periods before medication can be dispensed or prescribed.

**Sec. 13.55.130:** Requires that the medical record of the qualified individual contains the items listed in the section before the individual receives the medication.

**Sec. 13.55.140:** Invalidates will or contractual terms that require, prohibit, impose conditions on, or otherwise addresses whether an individual may make or rescind a request under this chapter.

**Sec. 13.55.150:** Provides a person with immunity from civil and criminal liability or professional disciplinary action for participating in good faith compliance with the chapter. States that a medication request by an individual or an attending physician providing medication in good faith compliance with this chapter may not provide the sole basis for the appointment of a guardian or conservator.

**Sec. 13.55.160:** States that a health care provider has no duty to participate.

**Sec. 13.55.170:** Under certain conditions allows a health care provider to prohibit another health care provider from participating in this chapter.

**Sec. 13.55.180:** Establishes the crime of abuse for certain activities. Makes the crime a class A felony.

**Sec. 13.55.190:** States that the chapter does not limit liability for civil damages resulting from a person's negligent conduct or intentional misconduct.

**Sec. 13.55.200:** Allows a governmental entity to file a claim against an individual's estate to recover expenses incurred by the entity resulting from the individual's termination of life under this chapter.

**Sec. 13.55.210:** Directs the Department of Health and Social Services to review a sample of the records maintained under the chapter every year. Requires a health care provider to file a record of dispensing medication under this chapter with the department. Directs the department to adopt regulations to facilitate the collection of information about compliance with the chapter. Makes the information confidential but requires the department to provide the public an annual statistical report about the information collected.

**Sec. 13.55.220:** Prohibits construing the chapter to authorize or require health care contrary to applicable generally accepted health care standards. Prohibits construing the chapter as authorizing the ending of life by certain methods, including lethal injection. Establishes that an action allowed by this chapter is an affirmative defense to certain crimes, including murder, manslaughter, and euthanasia.

**Sec. 13.55.230:** Prohibits a person from conditioning the sale, procurement, issuance, rate, delivery, or another aspect of a life, health, or accident insurance or annuity policy, on the making or rescission of a request for medication under the chapter.

Sec. 13.55.240: States that a request for medication under this chapter is not an advance health care directive under AS 13.52 and that AS 13.52 (Health Care Decision Act) does not apply to an activity allowed by the chapter.

Sec. 13.55.900: Defines the terms used in the new chapter.

#### **Section 4:**

*Page 14: Lines 25-29*

Indicates that the chapter applies to contracts, wills, and life, health, or accident insurance or annuity policies delivered or issued for delivery on or after the effective date.

#### **Section 5:**

*Pages 14-15: Lines 30-3*

Allows the Department of Health and Social Services to adopt regulations for the new chapter.

#### **Section 6:**

*Page 15: Line 4*

Makes the regulation authority given under Bill Section 5 take effect immediately.

#### **Section 7:**

*Page 15: Line 5*

Makes the Act (except Bill Section 5) effective January 1, 2016.