

**CS FOR HOUSE BILL NO. 197(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/25/01

Referred: Judiciary

Sponsor(s): REPRESENTATIVES HUDSON, Kerttula, Crawford, Lancaster

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act allowing the use of certain directives relating to the health care and death of a  
2 person."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 18.12.100 is amended to read:

5 **Sec. 18.12.100. Definitions.** In AS 18.12.010 - 18.12.100 [THIS CHAPTER],

6 (1) "anatomical gift" means an anatomical gift under AS 13.50;

7 (2) "attending physician" means the physician selected by, or assigned  
8 to, the patient who has primary responsibility for the treatment and care of the patient;

9 (3) "cardiopulmonary resuscitation" means cardiopulmonary  
10 resuscitation or a component of cardiopulmonary resuscitation;

11 (4) "declaration" means a document executed in accordance with the  
12 requirements of AS 18.12.010;

13 (5) "DNR identification" means identification substantially similar to  
14 that approved under AS 18.12.037;

1 (6) "do not resuscitate order" means a directive from a licensed  
2 physician that emergency cardiopulmonary resuscitation should not be administered to  
3 a particular person;

4 (7) "do not resuscitate protocol" means the protocol developed under  
5 AS 18.12.035(b);

6 (8) "health care provider" means a person who is licensed, certified, or  
7 otherwise authorized by the law of this state to administer health care in the ordinary  
8 course of business or practice of a profession;

9 (9) "life-sustaining procedure" means a medical procedure or  
10 intervention that, when administered to a qualified patient, will serve only to prolong  
11 the dying process;

12 (10) "physician" means a person licensed to practice medicine in this  
13 state or an officer in the regular medical service of the armed services of the United  
14 States or the United States Public Health Service while in the discharge of their  
15 official duties, or while volunteering services without pay or other remuneration to a  
16 hospital, clinic, medical office, or other medical facility in the state;

17 (11) "qualified patient" means a patient who has executed a declaration  
18 in accordance with AS 18.12.010 - 18.12.100 [THIS CHAPTER] and who has been  
19 determined by the attending physician to be in a terminal condition;

20 (12) "terminal condition" means a progressive incurable or irreversible  
21 condition that, without the administration of life-sustaining procedures, will, in the  
22 opinion of two physicians, when available, who have personally examined the patient,  
23 one of whom must be the attending physician, result in death within a relatively short  
24 time.

25 \* **Sec. 2.** AS 18.12 is amended by adding new sections to read:

26 **Article 2. Health Care and Related Directives.**

27 **Sec. 18.12.110. Health care and related directives.** Notwithstanding any  
28 other provision of law and in addition to any other method allowed by law for giving  
29 directives for a person's health care, death, and related issues, a person may use a form  
30 that is substantially similar to the Five Wishes form for making directives related to  
31 the person's health care and death, including designating another person to act as an

1 attorney-in-fact or other agent for the person when making health care decisions,  
 2 directing what kind of health treatment the person desires, establishing funeral wishes,  
 3 and expressing the person's wishes regarding donation of the person's body, or body  
 4 parts. In this section, "Five Wishes form" means the document entitled "Five Wishes,"  
 5 copyrighted by Aging with Dignity, November 2000.

6 **Sec. 18.12.120 Euthanasia not authorized.** The form that is authorized by  
 7 AS 18.12.110 may not be used to authorize or approve euthanasia or mercy killing.

8 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
 9 read:

10 REVISOR'S INSTRUCTIONS. The revisor of statutes shall substitute "AS 18.12.010  
 11 - 18.12.100" for "this chapter" in

- 12 (1) AS 18.12.010(d);
- 13 (2) AS 18.12.035(d);
- 14 (3) AS 18.12.037;
- 15 (4) AS 18.12.040(b);
- 16 (5) AS 18.12.050(b);
- 17 (6) AS 18.12.060;
- 18 (7) AS 18.12.080(a), (d), (e), and (f); and
- 19 (8) AS 18.12.090.