

1 SB198
2 181159-2
3 By Senators Williams, Livingston, Allen, Bussman, Chambliss,
4 Ross, Marsh, Waggoner, Ward, Albritton, Brewbaker and Orr
5 RFD: Health and Human Services
6 First Read: 16-FEB-17

8 SYNOPSIS: This bill would establish the Assisted
9 Suicide Ban Act to prohibit a person or a health
10 care provider from providing aid in dying to
11 another person and would provide civil and criminal
12 penalties for violations.

13 Amendment 621 of the Constitution of Alabama
14 of 1901, now appearing as Section 111.05 of the
15 Official Recompilation of the Constitution of
16 Alabama of 1901, as amended, prohibits a general
17 law whose purpose or effect would be to require a
18 new or increased expenditure of local funds from
19 becoming effective with regard to a local
20 governmental entity without enactment by a 2/3 vote
21 unless: it comes within one of a number of
22 specified exceptions; it is approved by the
23 affected entity; or the Legislature appropriates
24 funds, or provides a local source of revenue, to
25 the entity for the purpose.

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,
2 the bill does not require approval of a local
3 governmental entity or enactment by a 2/3 vote to
4 become effective because it comes within one of the
5 specified exceptions contained in the amendment.

6
7 A BILL
8 TO BE ENTITLED
9 AN ACT
10

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

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 Section 2. The Legislature finds all of the
24 following:

25 (1) In almost every state, it is a crime to assist a
26 suicide. These bans are long-standing expressions of the

1 commitment of the states to protect and preserve all human
2 life.

3 (2) The state has an interest in protecting
4 vulnerable groups, including the impoverished, the elderly,
5 and disabled persons from abuse, neglect, and mistakes. A ban
6 on assisted suicide reflects and reinforces our belief that
7 the lives of those in vulnerable groups are no less valued
8 than the lives of the young and healthy.

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

13 (4) The state recognizes the close link between
14 physician-assisted suicide and euthanasia where a right to die
15 can easily become a duty to die. A prohibition against
16 assisted suicide is the only reasonable means to protect
17 against foreseeable abuses.

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

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

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

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

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

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

25 (5) LIFE-SUSTAINING TREATMENT. Any medical
26 treatment, procedure, or intervention that, in the judgment of
27 the attending physician, when applied to the patient, would

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

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

14 a. A public or private corporation, company,
15 association, firm, partnership, or joint-stock company.

16 b. Government or a governmental instrumentality.

17 c. A foundation, institution, society, union, club,
18 or church.

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

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

24 Section 4. (a) Any person who deliberately assists
25 another person to commit suicide or provides aid in dying is
26 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.

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

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

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

8 Section 7. Although this bill would have as its
9 purpose or effect the requirement of a new or increased
10 expenditure of local funds, the bill is excluded from further
11 requirements and application under Amendment 621, now
12 appearing as Section 111.05 of the Official Recompilation of
13 the Constitution of Alabama of 1901, as amended, because the
14 bill defines a new crime or amends the definition of an
15 existing crime.

16 Section 8. The provisions of this act are severable.
17 If any part of this act is declared invalid or
18 unconstitutional, that declaration shall not affect the part
19 which remains.

20 Section 9. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.