

1 HB496  
2 167058-2  
3 By Representatives Mooney, Hubbard, Weaver, Fridy, Wingo and  
4 Fincher  
5 RFD: Judiciary  
6 First Read: 14-APR-15

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: This bill would provide for the Assisted  
9 Suicide Ban Act.

10 This bill would prohibit a person or a  
11 health care provider from providing aid in dying to  
12 another person and would provide civil and criminal  
13 penalties.

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

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment. However,  
4                   the bill does not require approval of a local  
5                   governmental entity or enactment by a 2/3 vote to  
6                   become effective because it comes within one of the  
7                   specified exceptions contained in the amendment.

8  
9                   A BILL  
10                  TO BE ENTITLED  
11                  AN ACT

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

22                  BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

25                  Section 2. (a) The Legislature finds all of the  
26                  following:

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

5           (2) Opposition to and condemnation of suicide and  
6 assisted suicide are consistent and enduring themes of our  
7 philosophical, legal, and cultural heritages, and the state  
8 continues to explicitly reject suicide and assisted suicide  
9 today, even for terminally ill, mentally competent adults.

10          (3) The state has an interest in protecting  
11 vulnerable groups, including the impoverished, the elderly,  
12 and disabled persons from abuse, neglect, and mistakes. A ban  
13 on assisted suicide reflects and reinforces our belief that  
14 the lives of those in vulnerable groups are no less valued  
15 than the lives of the young and healthy.

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

20          (5) The state recognizes the close link between  
21 physician-assisted suicide and euthanasia where a right to die  
22 can easily become a duty to die. A prohibition against  
23 assisted suicide is the only reasonable means to protect  
24 against foreseeable abuses.

25          (6) The state recognizes the distinction between a  
26 patient refusing life-sustaining medical treatment where he or  
27 she dies from the underlying fatal disease and a patient

1 ingesting or administering a lethal medication prescribed by a  
2 physician, where the medication is the cause of death. The  
3 state also recognizes the difference between pain management  
4 intended to alleviate pain and pain medicine used to assist in  
5 causing death.

6 (b) Based on the findings in subsection (a), it is  
7 the purpose of this act to do both of the following:

8 (1) Provide protection for our most vulnerable  
9 citizens by explicitly prohibiting assisted suicide within the  
10 criminal code of the state.

11 (2) Reinforce and reflect the intended purpose of  
12 our medical professions to preserve life and act as healers.

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

15 (1) AID IN DYING. The act or instance of a person  
16 providing the means or manner for another to be able to commit  
17 suicide, knowing that the person deliberately intends on  
18 committing suicide by that means or manner.

19 (2) DELIBERATELY. More than knowing the consequences  
20 of an act or action; meaning to consider carefully; done on  
21 purpose; intentional; requiring premeditation.

22 (3) HEALTH CARE PROVIDER. Any individual who may be  
23 asked to participate in any way in a health care service,  
24 including, but not limited to, a physician, physician's  
25 assistant, nurse, nurse's aide, medical assistant, hospital  
26 employee, clinic employee, nursing home employee, pharmacist,  
27 pharmacy employee, researcher, medical or nursing school

1 faculty member, student, or employee, counselor, social  
2 worker, or any professional, paraprofessional, or any other  
3 person who furnishes or assists in the furnishing of health  
4 care services.

5 (4) LIFE-SUSTAINING TREATMENT. Any medical  
6 treatment, procedure, or intervention, including, but not  
7 limited to, assisted ventilation, cardiopulmonary  
8 resuscitation, renal dialysis, surgical procedures, blood  
9 transfusions, and the administration of drugs and antibiotics.

10 (5) 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 (6) PHYSICIAN. A person licensed to practice  
18 medicine in the state, including medical doctors and doctors  
19 of osteopathy.

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

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

25 (b) Any physician or health care provider who  
26 prescribes any drug, compound, or substance to a patient  
27 deliberately to aid in dying or assists or performs any

1 medical procedure deliberately to aid in dying is guilty of a  
2 Class C felony.

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

6 (b) If any person deliberately aids in dying that  
7 results in death, any surviving family member, other  
8 beneficiary, executor, or administrator of the estate of the  
9 decedent may bring an appropriate action for wrongful death.

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

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

19 (1) Participating in the execution of a person  
20 sentenced by a court to death by lethal injection.

21 (2) Following a patient's wishes to withhold or  
22 withdraw life-sustaining treatment, nutrition, or hydration.

23 (3) Prescribing and administering palliative care or  
24 pain medication treatment options intended to relieve pain  
25 while the illness or condition of the patient follows its  
26 natural course.

1           Section 7. The Legislature, by joint resolution, may  
2           appoint one or more of its members who sponsored or  
3           cosponsored this act, in his or her official capacity, to  
4           intervene as a matter of right in any case in which the  
5           constitutionality of this act, or any portion thereof, is  
6           challenged.

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

15          Section 9. The provisions of this act are severable.  
16          If any part of this act is declared invalid or  
17          unconstitutional, that declaration shall not affect the part  
18          which remains.

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