

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2440

By: Vaughn

AS INTRODUCED

An Act relating to public health and safety; enacting the Assisted Suicide Prevention Act; providing short title; stating legislative intent; defining terms; prohibiting certain conduct; stating exceptions; authorizing injunctive relief; authorizing action for civil damages; providing for license revocation under certain circumstances; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3141.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Sections 1 through 8 of this act shall be known and may be cited as the "Assisted Suicide Prevention Act".

B. It is the intent of the Oklahoma Legislature to protect vulnerable persons from suicide, to reduce the cost to taxpayers of enforcing the assisted-suicide laws by promoting civil enforcement and providing for reimbursement of their attorney's fees by those found to be violating the law.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3141.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in the Assisted Suicide Prevention Act:

1. "Licensed health care professional" means a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, physician assistant, nurse, dentist, or pharmacist; and

2. "Suicide" means the act or instance of taking one's own life voluntarily and intentionally.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3141.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

A person violates the Assisted Suicide Prevention Act when the person, with the purpose of assisting another person to commit or to attempt to commit suicide, knowingly either:

1. Provides the physical means by which another person commits or attempts to commit suicide; or

2. Participates in a physical act by which another person commits or attempts to commit suicide.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3141.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A licensed health care professional who administers, prescribes, or dispenses medications or procedures to relieve another person's pain or discomfort, even if the medication or procedure may hasten or increase the risk of death, shall not be deemed to have violated Section 3 of this act, unless the medications or procedures are knowingly administered, prescribed, or dispensed to cause death.

B. A licensed health care professional who withholds or withdraws a medically administered life-sustaining procedure does not violate Section 3 of this act.

C. This section shall not be construed to affect the duty of care or the legal requirements concerning acts or omissions under subsections A or B of this section.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3141.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

A cause of action for injunctive relief may be maintained against any person who is believed, in good faith, to be about to violate, who is in the course of violating, or who has violated, Section 3 of this act by any person who is:

1. The spouse, parent, child, or sibling of the person who would commit suicide;

2. Entitled to inherit from the person who would commit suicide;

3. A health care provider of the person who would commit suicide;

4. A public official with appropriate jurisdiction to prosecute or enforce the laws of this state;

5. A guardian of the person who would commit suicide;

6. The Department of Human Services; or

7. An attorney-in-fact of the person who would commit suicide. Such an injunction shall legally prevent the person from assisting any suicide in this state regardless of who is being assisted.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3141.6 of Title 63, unless there is created a duplication in numbering, reads as follows:

Any person given standing by paragraph 1 or 2 of Section 5 of this act, or the person who would have committed suicide, in the case of an attempt, may maintain a cause of action against any person who violates or attempts to violate Section 3 of this act for compensatory damages and punitive damages. An action under this

section may be brought whether or not the plaintiff had prior knowledge of the violation or attempt.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3141.7 of Title 63, unless there is created a duplication in numbering, reads as follows:

In any action or proceeding brought pursuant to Section 5 or 6 of this act, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of its costs.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3141.8 of Title 63, unless there is created a duplication in numbering, reads as follows:

The licensing agency which issued a license or certification to a licensed health care professional who assists in a suicide in violation of Section 3 of this act may revoke or suspend the license or certificate of that person upon receipt of:

1. A copy of the record of criminal conviction or plea of guilty for a felony in violation of Section 813, 814 or 815 of Title 21 of the Oklahoma Statutes;
2. A copy of the record of a judgment of contempt of court for violating an injunction issued under Section 5 of this act; or
3. A copy of the record of a judgment assessing damages under Section 6 of this act.

SECTION 9. This act shall become effective November 1, 1998.

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