

HOUSE BILL 568

J2, J1

6lr2141

By: **Delegates Aumann, Folden, Grammer, S. Howard, Krebs, Malone, McComas, McConkey, Rose, and West**

Introduced and read first time: February 3, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Health Care Practitioners – Exemption From**
3 **Participation in Aid in Dying**

4 FOR the purpose of prohibiting a health care practitioner from being required to participate
5 in aid in dying; prohibiting a health care practitioner who refuses to participate in
6 aid in dying from being held criminally or civilly liable for refusing to participate;
7 prohibiting certain persons from subjecting a health care practitioner who refuses to
8 participate in aid in dying to discipline for refusing to participate; authorizing certain
9 persons to prohibit a health care practitioner from participating in aid in dying on
10 certain premises under certain circumstances; authorizing certain persons to subject
11 a health care practitioner who violates a certain prohibition to discipline; providing
12 for the application of this Act; defining certain terms; and generally relating to an
13 exemption from participation in aid in dying by health care practitioners.

14 BY adding to

15 Article – Health Occupations

16 Section 1–223

17 Annotated Code of Maryland

18 (2014 Replacement Volume and 2015 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Health Occupations**

22 **1–223.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “AID IN DYING” MEANS THE PROVISION OF MEDICATION BY A**
2 **HEALTH CARE PRACTITIONER TO A PATIENT FOR THE PURPOSE OF ENDING THE**
3 **PATIENT’S LIFE.**

4 **(3) “HEALTH CARE FACILITY” HAS THE MEANING STATED IN § 19-114**
5 **OF THE HEALTH – GENERAL ARTICLE.**

6 **(4) “HEALTH CARE PRACTITIONER” MEANS A PERSON WHO IS**
7 **LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED UNDER THE HEALTH**
8 **OCCUPATIONS ARTICLE TO PROVIDE HEALTH CARE SERVICES IN THE ORDINARY**
9 **COURSE OF BUSINESS OR PRACTICE OF A PROFESSION.**

10 **(B) THIS SECTION APPLIES ONLY IF AID IN DYING IS AUTHORIZED UNDER**
11 **STATE LAW.**

12 **(C) (1) A HEALTH CARE PRACTITIONER MAY NOT BE REQUIRED TO**
13 **PARTICIPATE IN AID IN DYING.**

14 **(2) A HEALTH CARE PRACTITIONER WHO REFUSES TO PARTICIPATE**
15 **IN AID IN DYING MAY NOT BE HELD CRIMINALLY OR CIVILLY LIABLE FOR REFUSING**
16 **TO PARTICIPATE.**

17 **(3) A HEALTH CARE FACILITY, HEALTH CARE PRACTITIONER, OR**
18 **PROFESSIONAL ORGANIZATION OR ASSOCIATION MAY NOT SUBJECT A HEALTH CARE**
19 **PRACTITIONER WHO REFUSES TO PARTICIPATE IN AID IN DYING TO DISCIPLINE FOR**
20 **REFUSING TO PARTICIPATE.**

21 **(D) (1) A HEALTH CARE FACILITY, HEALTH CARE PRACTITIONER, OR**
22 **PROFESSIONAL ORGANIZATION OR ASSOCIATION MAY PROHIBIT A HEALTH CARE**
23 **PRACTITIONER FROM PARTICIPATING IN AID IN DYING ON THE PREMISES OF THE**
24 **PROHIBITING HEALTH CARE FACILITY, HEALTH CARE PRACTITIONER, OR**
25 **PROFESSIONAL ORGANIZATION OR ASSOCIATION IF THE PROHIBITING HEALTH**
26 **CARE FACILITY, HEALTH CARE PRACTITIONER, OR PROFESSIONAL ORGANIZATION**
27 **OR ASSOCIATION HAS NOTIFIED THE HEALTH CARE PRACTITIONER OF THE**
28 **PROHIBITION.**

29 **(2) IF A HEALTH CARE FACILITY, HEALTH CARE PRACTITIONER, OR**
30 **PROFESSIONAL ORGANIZATION OR ASSOCIATION PROHIBITS PARTICIPATION IN AID**
31 **IN DYING UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE HEALTH CARE**
32 **FACILITY, HEALTH CARE PRACTITIONER, OR PROFESSIONAL ORGANIZATION OR**
33 **ASSOCIATION MAY SUBJECT A HEALTH CARE PRACTITIONER WHO VIOLATES THE**
34 **PROHIBITION TO DISCIPLINE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2016.