

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE DRS75042-LH-40 (02/11)

Short Title: Physician-Assisted Suicide. (Public)

Sponsors: Senators Forrester and Purcell.

Referred to:

A BILL TO BE ENTITLED

AN ACT REQUIRING THE NORTH CAROLINA MEDICAL BOARD TO IMPLEMENT POLICIES TO TRAIN AND EDUCATE PERSONS LICENSED TO PRACTICE OR PERSONS DESIRING TO PRACTICE MEDICINE IN THIS STATE ON ISSUES RELATED TO PHYSICIAN-ASSISTED SUICIDE AND CREATING THE CRIMINAL OFFENSE OF PHYSICIAN-ASSISTED SUICIDE.

The General Assembly of North Carolina enacts:

SECTION 1. The North Carolina Medical Board shall implement the following policies:

- (1) Encourage persons licensed to practice medicine in this State to receive continuing education from the North Carolina Medical Society on the topic of pain management.
- (2) Encourage all schools of medicine in this State to develop a curriculum and train students regarding pain management, palliative care, and the use of hospice care.
- (3) Advise persons licensed to practice medicine in this State of the Board's policies relating to prescribing adequate amounts of medicine to patients with terminal diseases.

SECTION 2. Article 6 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-17.2. Physician-assisted suicide.

(a) The following definitions apply in this section:

- (1) Licensed health care professional. – A duly licensed physician, surgeon, podiatrist, osteopath, osteopathic physician, osteopathic surgeon, optometrist, chiropractor, physician assistant, nurse, dentist, or pharmacist.

1 (2) Physician-assisted suicide. – The act of a licensed health care
2 professional participating in a medical procedure or willfully
3 prescribing any drug, compound, or substance for the express purpose
4 of assisting a patient to intentionally end the patient's life. The term
5 does not include a person's participating in the execution of a person
6 sentenced by a court to death by lethal injection.

7 (b) It is unlawful for any licensed health care professional to commit the offense
8 of physician-assisted suicide.

9 (c) Any licensed health care professional who violates this section is guilty of a
10 Class D felony.

11 (d) None of the following shall be construed as a violation of this section:

12 (1) Carrying out the provisions of advanced directives or living wills.

13 (2) The withholding or withdrawing of a life-sustaining procedure or
14 compliance with any other State or federal law authorizing withdrawal
15 or refusal of medical treatments or procedures.

16 (3) The administering, prescribing, or dispensing of medications or
17 procedures, by or at the direction of a licensed health care professional,
18 for the purpose of alleviating another person's pain or discomfort, even
19 if the medication or procedure may increase the risk of death as long as
20 the medication or procedure is not also intentionally administered,
21 prescribed, or dispensed for the purpose of causing death or the
22 purpose of assisting in causing death for any reason.

23 (4) The administering, prescribing, or dispensing of medications or
24 procedures to a patient diagnosed with a medical condition that
25 includes an element of suicidal ideation, even if the medication or
26 procedure may increase the risk of death, as long as the medication or
27 procedure is not also intentionally administered, prescribed, or
28 dispensed for the purpose of causing death or the purpose of assisting
29 in causing death for any reason."

30 **SECTION 3.** This act becomes effective December 1, 2003, and applies to
31 offenses committed on or after that date.