

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 410

H.P. 264

House of Representatives, February 4, 2025

An Act to Require Parental Consent to Withhold Life-sustaining Measures for a Minor or to Comply with a Do-not-resuscitate Order for a Minor

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PAUL of Winterport.
Cosponsored by Senator HAGGAN of Penobscot and
Representatives: GRIFFIN of Levant, HAGGAN of Hampden, JAVNER of Chester, QUINT of Hodgdon.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1509** is enacted to read:

3 **§1509. Parental consent required for restrictions on life-sustaining measures**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Do-not-resuscitate order" means an order in a minor's medical record to not use
7 cardiopulmonary resuscitation measures if the minor's heart or breathing stops. "Do-
8 not-resuscitate order" does not include withholding a medical intervention to provide
9 a minor with comfort care or to alleviate pain.

10 B. "Facility" means a facility licensed under chapter 405 or 1663.

11 C. "Minor" means a person under 18 years of age who is unemancipated, not under
12 state supervision and not on active duty in the state military forces or the United States
13 Armed Forces, including the National Guard or Reserves.

14 D. "Resident" means a person who is residing in a facility.

15 **2. Parental or legal guardian authority.** A health care practitioner, health care
16 provider or facility may not:

17 A. Withhold, withdraw or place any restrictions on life-sustaining measures for a
18 minor without the written consent of a parent or legal guardian of the minor;

19 B. Institute a do-not-resuscitate order or similar physician's order for a minor without
20 the written consent of a parent or legal guardian of the minor;

21 C. Interfere with the efforts of a parent or legal guardian of a minor to obtain a medical
22 opinion about the minor's medical condition or transfer the minor to another health care
23 provider or facility;

24 D. Refuse to provide immediate access to a minor, or the medical records of a minor,
25 to a health care practitioner, health care provider or facility designated by a parent or
26 legal guardian of the minor; or

27 E. Hinder or delay the efforts of a parent or legal guardian of a minor to obtain
28 necessary measures, mechanisms or procedures for the minor, including an immediate
29 tracheostomy or gastrostomy tube required to facilitate a transfer to another health care
30 provider or facility.

31 **3. Revocation of consent.** A parent or legal guardian of a minor may revoke in writing
32 consent given under subsection 2, paragraph A or B. A revocation under this subsection
33 takes precedence over any prior consent and must be immediately recorded in the minor's
34 medical records specifying who revoked the consent, who, if anyone, witnessed the
35 revocation and the date and time the revocation was given.

36 **4. Failure to contact.** The provisions of subsection 2, paragraph A or B do not apply
37 if the health care practitioner, health care provider or facility makes a reasonably diligent
38 and documented effort to contact a parent or legal guardian of the minor within a 72-hour
39 period.

40 **5. Duties of health care practitioner, health care provider or facility.** A health
41 care practitioner, health care provider or facility shall:

