

MAINE STATE LEGISLATURE

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Date: 5/20/19 Majority (Filing No. H-305)

HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 948, L.D. 1313, Bill, "An Act To Enact the Maine Death with Dignity Act"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 17-A MRSA §152-A, sub-§3 is enacted to read:

3. It is an affirmative defense to prosecution under subsection 1 that the person's conduct was expressly authorized by Title 22, chapter 418.

Sec. 2. 17-A MRSA §201, sub-§6 is enacted to read:

6. It is an affirmative defense to prosecution under subsection 1 that the person's conduct was expressly authorized by Title 22, chapter 418.

Sec. 3. 17-A MRSA §204, sub-§3 is enacted to read:

3. It is an affirmative defense to prosecution under subsection 1 that the person's conduct was expressly authorized by Title 22, chapter 418.'

Amend the bill in section 1 in §2140 in subsection 17 in paragraph C in the first and 2nd lines (page 7, lines 4 and 5 in L.D.) by striking out the following: "routine technical rules" and inserting the following: 'major substantive rules'

Amend the bill in section 1 in §2140 by striking out all of subsection 19 (page 7, lines 20 to 34 in L.D.) and inserting the following:

'19. Insurance or annuity policies. The sale, procurement or issuance of any life, health or accident insurance or annuity policy or the rate charged for any life, health or accident insurance or annuity policy may not be conditioned upon or affected by the making or rescinding of a request by a qualified patient for medication that the patient may self-administer to end the patient's life in accordance with this Act. A qualified patient whose life is insured under a life insurance policy issued under the provisions of Title 24-A, chapter 29 and the beneficiaries of the policy may not be denied benefits on the basis of self-administration of medication by the qualified patient in accordance with

COMMITTEE AMENDMENT

1 this Act. The rating, sale, procurement or issuance of any medical professional liability
2 insurance policy delivered or issued for delivery in this State must be in accordance with
3 the provisions of Title 24-A.'

4 Amend the bill in section 1 in §2140 in subsection 20 in the 8th and 9th lines (page 7,
5 lines 42 and 43 in L.D.) by striking out the following: "A patient's death certificate,
6 pursuant to section 2842, must list the underlying terminal disease as the cause of death."

7 Amend the bill in section 1 in §2140 by inserting after subsection 20 a new
8 subsection to read:

9 **'21. Voluntary participation. Nothing in this Act requires a health care provider to**
10 **provide medication to a qualified patient to end the qualified patient's life. If a health**
11 **care provider is unable or unwilling to carry out the qualified patient's request under this**
12 **Act, the health care provider shall transfer any relevant medical records for the patient to**
13 **a new health care provider upon request by the patient.'**

14 Amend the bill in section 1 in §2140 in subsection 21 in paragraph F in the 3rd line
15 (page 9, line 14 in L.D.) by inserting after the following: "Licensure in Medicine" the
16 following: ', the Board of Osteopathic Licensure'

17 Amend the bill in section 1 in §2140 in subsection 21 in paragraph F in the last line
18 (page 9, line 18 in L.D.) by inserting after the following: "Licensure in Medicine" the
19 following: ', the Board of Osteopathic Licensure'

20 Amend the bill in section 1 in §2140 by striking out all of subsection 22 (page 10,
21 lines 3 to 15 in L.D.)

22 Amend the bill in section 1 in §2140 by renumbering the subsections to read
23 consecutively.

24 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
25 section number to read consecutively.

26 SUMMARY

27 This amendment is the majority report and makes the following changes to the bill.

28 1. It creates in the Maine Criminal Code affirmative defenses to prosecution for
29 aggravated attempted murder, for murder and for aiding or soliciting suicide. A person
30 may raise an affirmative defense to prosecution for these crimes if that person's conduct
31 was expressly authorized by the Maine Revised Statutes, Title 22, chapter 418. The
32 amendment also strikes from the bill language that creates new Class A crimes and other
33 penalty language, as the prohibited conduct described is sufficiently covered by existing
34 statute.

35 2. It changes the rule-making authority of the Department of Health and Human
36 Services for rules for the collection of information from routine technical to major
37 substantive.

38 3. It makes technical changes to the provisions regarding insurance in order to
39 conform to current Maine law.

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COMMITTEE AMENDMENT "A" to H.P. 948, L.D. 1313

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4. It allows the physician completing the patient's death certificate to determine the cause of the death recorded on the certificate.

5. It clarifies that an individual health care provider may choose not to participate in providing medication to end a qualified patient's life but, if the patient requests the medical records be provided to another health care provider, the records must be transferred.

6. It includes the Board of Osteopathic Licensure in the list of appropriate licensing boards.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



129th MAINE LEGISLATURE

LD 1313

LR 351(02)

An Act To Enact the Maine Death with Dignity Act

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Health and Human Services

Fiscal Note Required: Yes

A.(H-305)

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.