

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

S

2

SENATE BILL 390  
House Committee Substitute Reported Without Prejudice 5/24/01

Short Title: Physician-Assisted Suicide/Education & Crime.

(Public)

---

Sponsors:

---

Referred to:

---

March 12, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT REQUIRING THE NORTH CAROLINA MEDICAL BOARD TO  
3 IMPLEMENT POLICIES TO TRAIN AND EDUCATE PERSONS LICENSED TO  
4 PRACTICE OR PERSONS DESIRING TO PRACTICE MEDICINE IN THIS  
5 STATE ON ISSUES RELATED TO PHYSICIAN-ASSISTED SUICIDE AND  
6 CREATING THE CRIMINAL OFFENSE OF PHYSICIAN-ASSISTED SUICIDE.

7 The General Assembly of North Carolina enacts:

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

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

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

21 **"§ 14-17.2. Physician-assisted suicide.**

22       (a) The following definitions apply in this section:

- 23       (1) Licensed health care professional. – A duly licensed physician,  
24 surgeon, podiatrist, osteopath, osteopathic physician, osteopathic  
25 surgeon, optometrist, chiropractor, physician assistant, nurse, dentist,  
26 or pharmacist.  
27       (2) Physician-assisted suicide. – The act of a licensed health care  
28 professional participating in a medical procedure or willfully  
29 prescribing any drug, compound, or substance for the express purpose

1 of assisting a patient to intentionally end the patient's life. The term  
2 does not include a person participating in the execution of a person  
3 sentenced by a court to death by lethal injection.

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

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

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

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

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

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

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

27 **SECTION 3.** This act becomes effective December 1, 2001, and applies to  
28 offenses committed on or after that date.