

LD4180324

**HOUSE BILL NO. 2539**

Offered January 23, 1995

*A BILL to amend the Code of Virginia by adding in Chapter 4 of Title 18.2 an article numbered 10, consisting of sections numbered 18.2-76.3 through 18.2-76.7, relating to forced or assisted suicide; penalty.*

Patrons—Marshall, Cox, Howell, Ingram, McDonnell, Mims and Way; Senators: Benedetti, Colgan, Earley and Goode

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 4 of Title 18.2 an article numbered 10, consisting of sections numbered 18.2-76.3 through 18.2-76.7 as follows:**

*Article 10.**Forced or Assisted Suicide.**§ 18.2-76.3. Forced or assisted suicide.*

*A. Any person who intentionally or knowingly by force or duress causes another person to commit or to attempt to commit suicide shall be guilty of a Class 5 felony.*

*B. Any person who intentionally or knowingly, with the purpose of assisting another person to commit or attempt to commit suicide, (i) provides the physical means by which another person commits or attempts to commit suicide or (ii) participates in a physical act by which another person commits or attempts to commit suicide, shall be guilty of a Class 6 felony.*

*§ 18.2-76.4. Acts or omissions not considered assisted suicide.*

*A. A licensed health care provider who administers, prescribes, or dispenses medications or procedures to relieve another person's pain or discomfort, even if the medication or procedure may hasten or increase the risk of death, does not violate § 18.2-76.3 unless the medications or procedures are knowingly administered, prescribed, or dispensed to cause death.*

*B. A licensed health care professional who withholds or withdraws a life-prolonging procedure as defined in § 54.1-2982 is not in violation of § 18.2-76.3.*

*§ 18.2-76.5. Injunctive relief: civil damages; attorney's fees.*

*A cause of action for injunctive relief may be maintained against any person who is about to violate or who attempts to violate § 18.2-76.3 by a public official with appropriate jurisdiction to prosecute or enforce the laws of this Commonwealth or by any person who is (i) entitled to inherit from, (ii) the spouse, parent, child, or sibling of, (iii) a health care provider of the person who would commit suicide or (iv) a public official with appropriate jurisdiction to prosecute or enforce the laws of this Commonwealth. Additionally, compensatory and exemplary damages may be awarded in a civil action to any person who suffers any loss proximately caused by a violation or attempted violation of § 18.2-76.3, whether or not the plaintiff consented to or had prior knowledge of the violation or attempt. Reasonable attorney's fees shall be awarded to any plaintiff who prevails in a civil action or action for injunctive relief brought under this section.*

*§ 18.2-76.6. Health care licensees.*

*A violation of this article by any health care provider shall subject the health care provider to the permanent revocation of any license to provide health care services in the Commonwealth.*

*§ 18.2-76.7. Definitions.*

*For purposes of this article,*

*"Licensed health care provider" means a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, physician assistant, nurse, dentist, or pharmacist licensed under the laws of this Commonwealth.*

*"Suicide" means the act or instance of taking one's own life voluntarily and intentionally.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0.00.**

INTRODUCED

HB2539