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## HOUSE BILL NO. 277

Offered January 10, 1996

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 and 18.2-76.4, relating to assisted suicide; civil remedies; penalty.*

Patrons—Mims, Callahan, Cox, Crouch, Forbes, Hamilton, Howell, Ingram, Katzen, Marshall, McClure, McDonnell, O'Brien, Reid, Way and Wilkins; Senators: Benedetti, Colgan, Earley, Goode, Hanger, Martin and Newman

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 and 18.2-76.4 as follows:**

*Article 10.**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 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.

C. A violation of subsection A or B by a licensed health care provider shall also subject such person to permanent revocation of any license to provide health care services in this Commonwealth.

D. This section shall not apply to a licensed health care provider who (i) administers, prescribes or dispense medications or procedures to relieve another person's pain or discomfort and without intent to cause death, even if the medication or procedure may hasten or increase the risk of death, or (ii) withholds or withdraws life-prolonging procedures as defined in § 54.1-2982.

*E. For purposes of this section:*

"Licensed health care provider" means a physician, 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.

*§ 18.2-76.4. Assisted suicide; injunction; damages.*

A cause of action for injunctive relief may be maintained against any person who is reasonably expected to be about to violate or attempt 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; or (iii) a health care provider of the person who would commit suicide.

A spouse, parent, child or sibling of a person who commits or attempts to commits suicide, may recover compensatory and exemplary damages in a civil action for any losses suffered as a result of a violation or attempted violation of § 18.2-76.4 whether or not the spouse, parent, child or sibling consented to or had prior knowledge of the violation or attempt. Reasonably attorney's fees shall be awarded to a plaintiff who prevails in such an action. If the defendant prevails in the action, and the court specifically finds that the action was frivolous or brought in bad faith, reasonable attorney's fees shall be awarded to the defendant.

**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.**

INTRODUCED

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