

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 2585

By: Kouplen

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; ordering
8 a legislative referendum pursuant to the Oklahoma
9 Constitution; creating the Oklahoma Death with
10 Dignity Act; defining certain terms; permitting
11 Oklahoma resident suffering from terminal disease to
12 make certain request for medication for the purpose
13 of ending his or her life in a humane and dignified
14 manner; setting forth certain requirements for valid
15 request; providing certain responsibilities of
16 attending physician; requiring certain confirmation
17 by consulting physician; providing for codification;
18 providing an effective date; providing ballot title;
19 and directing filing.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma
22 Constitution, there is hereby ordered the following legislative
23 referendum which shall be filed with the Secretary of State and
24 addressed to the Governor of the state, who shall submit the same to
the people for their approval or rejection at the next Primary
Election, to be held on June 26, 2018.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3002.1 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 This act shall be known and may be cited as the "Oklahoma Death
5 with Dignity Act".

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 3002.2 of Title 63, unless there
8 is created a duplication in numbering, reads as follows:

9 As used in the Oklahoma Death with Dignity Act:

10 1. "Adult" means an individual who is eighteen (18) years of
11 age or older;

12 2. "Attending physician" means the physician who has primary
13 responsibility for the care of the patient and treatment of the
14 patient's terminal disease;

15 3. "Capable" means that in the opinion of a court or in the
16 opinion of the patient's attending physician or consulting
17 physician, psychiatrist or psychologist a patient has the ability to
18 make and communicate health care decisions to health care providers,
19 including communication through persons familiar with the patient's
20 manner of communicating if those persons are available;

21 4. "Consulting physician" means a physician who is qualified by
22 specialty or experience to make a professional diagnosis and
23 prognosis regarding the patient's disease;

24

1 5. "Counseling" means one or more consultations as necessary
2 between a state-licensed psychiatrist or psychologist and a patient
3 for the purpose of determining that the patient is capable and not
4 suffering from a psychiatric or psychological disorder or depression
5 causing impaired judgment;

6 6. "Health care provider" means a person licensed, certified or
7 otherwise authorized or permitted by the law of this state to
8 administer health care or dispense medication in the ordinary course
9 of business or practice of a profession and includes a health care
10 facility;

11 7. "Informed decision" means a decision by a qualified patient
12 to request and obtain a prescription to end his or her life in a
13 humane and dignified manner, which is based on an appreciation of
14 the relevant facts and after being fully informed by the attending
15 physician of:

- 16 a. his or her medical diagnosis,
- 17 b. his or her prognosis,
- 18 c. the potential risks associated with taking the
19 medication to be prescribed,
- 20 d. the probable result of taking the medication to be
21 prescribed, and
- 22 e. the feasible alternatives, including, but not limited
23 to, comfort care, hospice care and pain control;

24

1 8. "Medically confirmed" means the medical opinion of the
2 attending physician has been confirmed by a consulting physician who
3 has examined the patient and the patient's relevant medical records;

4 9. "Patient" means a person who is under the care of a
5 physician;

6 10. "Physician" means a doctor of medicine or osteopathy
7 licensed to practice medicine by the State Board of Medical
8 Licensure and Supervision;

9 11. "Qualified patient" means a capable adult who is a resident
10 of Oklahoma and has satisfied the requirements of the Oklahoma Death
11 with Dignity Act in order to obtain a prescription for medication to
12 end his or her life in a humane and dignified manner; and

13 12. "Terminal disease" means an incurable and irreversible
14 disease that has been medically confirmed and will, within
15 reasonable medical judgment, produce death within six (6) months.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 3002.3 of Title 63, unless there
18 is created a duplication in numbering, reads as follows:

19 A. An adult who is capable, is a resident of Oklahoma, has been
20 determined by the attending physician and consulting physician to be
21 suffering from a terminal disease and who has voluntarily expressed
22 his or her wish to die may make a written request for medication for
23 the purpose of ending his or her life in a humane and dignified
24 manner in accordance with the Oklahoma Death with Dignity Act.

1 B. No person shall qualify under the provisions of the Oklahoma
2 Death with Dignity Act solely because of age or disability.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3002.4 of Title 63, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A valid request for medication under the Oklahoma Death with
7 Dignity Act shall be in substantially the form described in Section
8 23 of this act, signed and dated by the patient and witnessed by at
9 least two individuals who, in the presence of the patient, attest
10 that to the best of their knowledge and belief the patient is
11 capable, acting voluntarily and is not being coerced to sign the
12 request.

13 B. One of the witnesses shall be a person who is not:

14 1. A relative of the patient by blood, marriage or adoption;

15 2. A person who, at the time the request is signed, would be
16 entitled to any portion of the estate of the qualified patient upon
17 death under any will or by operation of law; or

18 3. An owner, operator or employee of a health care facility
19 where the qualified patient is receiving medical treatment or is a
20 resident.

21 C. The patient's attending physician at the time the request is
22 signed shall not be a witness.

23 D. If the patient is a patient in a long-term care facility at
24 the time the written request is made, one of the witnesses shall be

1 an individual designated by the facility and having the
2 qualifications specified by the State Department of Health by rule.

3 SECTION 6. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3002.5 of Title 63, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The attending physician shall:

7 1. Make the initial determination of whether a patient has a
8 terminal disease, is capable and has made the request voluntarily;

9 2. Request that the patient demonstrate Oklahoma residency
10 pursuant to Section 15 of this act;

11 3. To ensure that the patient is making an informed decision,
12 inform the patient of:

13 a. his or her medical diagnosis,

14 b. his or her prognosis,

15 c. the potential risks associated with taking the
16 medication to be prescribed,

17 d. the probable result of taking the medication to be
18 prescribed, and

19 e. the feasible alternatives, including, but not limited
20 to, comfort care, hospice care and pain control;

21 4. Refer the patient to a consulting physician for medical
22 confirmation of the diagnosis and for a determination that the
23 patient is capable and acting voluntarily;

24

1 5. Refer the patient for counseling if appropriate pursuant to
2 Section 8 of this act;

3 6. Recommend that the patient notify next of kin;

4 7. Counsel the patient about the importance of having another
5 person present when the patient takes the medication prescribed
6 pursuant to the Oklahoma Death with Dignity Act and of not taking
7 the medication in a public place;

8 8. Inform the patient that he or she has an opportunity to
9 rescind the request at any time and in any manner and offer the
10 patient an opportunity to rescind at the end of the fifteen-day
11 waiting period pursuant to Section 11 of this act;

12 9. Verify, immediately prior to writing the prescription for
13 medication under the Oklahoma Death with Dignity Act, that the
14 patient is making an informed decision;

15 10. Fulfill the medical record documentation requirements of
16 Section 14 of this act;

17 11. Ensure that all appropriate steps are carried out in
18 accordance with the Oklahoma Death with Dignity Act prior to writing
19 a prescription for medication to enable a qualified patient to end
20 his or her life in a humane and dignified manner; and

21 12. a. Dispense medications directly, including ancillary
22 medications intended to facilitate the desired effect
23 to minimize the patient's discomfort, provided the
24 attending physician is registered as a dispensing

1 physician with the State Board of Medical Licensure
2 and Supervision, has a current Drug Enforcement
3 Administration certificate and complies with any
4 applicable administrative rule, or

5 b. With the patient's written consent:

- 6 (1) contact a pharmacist and inform the pharmacist of
7 the prescription, and
8 (2) deliver the written prescription personally or by
9 mail to the pharmacist, who will dispense the
10 medications to either the patient, the attending
11 physician or an expressly identified agent of the
12 patient.

13 B. Notwithstanding any other provision of law, the attending
14 physician may sign the patient's death certificate.

15 SECTION 7. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3002.6 of Title 63, unless there
17 is created a duplication in numbering, reads as follows:

18 Before a patient is qualified under the Oklahoma Death with
19 Dignity Act, a consulting physician shall examine the patient and
20 his or her relevant medical records and confirm, in writing, the
21 attending physician's diagnosis that the patient is suffering from a
22 terminal disease and verify that the patient is capable, acting
23 voluntarily and has made an informed decision.

1 SECTION 8. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3002.7 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 If, in the opinion of the attending physician or the consulting
5 physician, a patient may be suffering from a psychiatric or
6 psychological disorder or depression causing impaired judgment,
7 either physician shall refer the patient for counseling. No
8 medication to end a patient's life in a humane and dignified manner
9 shall be prescribed until the person performing the counseling
10 determines that the patient is not suffering from a psychiatric or
11 psychological disorder or depression causing impaired judgment.

12 SECTION 9. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 3002.8 of Title 63, unless there
14 is created a duplication in numbering, reads as follows:

15 No person shall receive a prescription for medication to end his
16 or her life in a humane and dignified manner unless he or she has
17 made an informed decision as defined in Section 3 of this act.
18 Immediately prior to writing a prescription for medication under the
19 Oklahoma Death with Dignity Act, the attending physician shall
20 verify that the patient is making an informed decision.

21 SECTION 10. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3002.9 of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

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1 The attending physician shall recommend that the patient notify
2 the next of kin of his or her request for medication pursuant to the
3 Oklahoma Death with Dignity Act. A patient who declines or is
4 unable to notify next of kin shall not have his or her request
5 denied for that reason.

6 SECTION 11. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 3002.10 of Title 63, unless
8 there is created a duplication in numbering, reads as follows:

9 In order to receive a prescription for medication to end his or
10 her life in a humane and dignified manner, a qualified patient shall
11 have made an oral request and a written request and reiterate the
12 oral request to his or her attending physician no less than fifteen
13 (15) days after making the initial oral request. At the time the
14 qualified patient makes his or her second oral request, the
15 attending physician shall offer the patient an opportunity to
16 rescind the request.

17 SECTION 12. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3002.11 of Title 63, unless
19 there is created a duplication in numbering, reads as follows:

20 A patient may rescind his or her request at any time and in any
21 manner without regard to his or her mental state. No prescription
22 for medication under the Oklahoma Death with Dignity Act may be
23 written without the attending physician offering the qualified
24 patient an opportunity to rescind the request.

1 SECTION 13. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3002.12 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 No less than fifteen (15) days shall elapse between the
5 patient's initial oral request and the writing of a prescription
6 under the Oklahoma Death with Dignity Act. No less than forty-eight
7 (48) hours shall elapse between the patient's written request and
8 the writing of a prescription under the Oklahoma Death with Dignity
9 Act.

10 SECTION 14. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 3002.13 of Title 63, unless
12 there is created a duplication in numbering, reads as follows:

13 The following shall be documented or filed in the patient's
14 medical record:

15 1. All oral requests by a patient for medication to end his or
16 her life in a humane and dignified manner;

17 2. All written requests by a patient for medication to end his
18 or her life in a humane and dignified manner;

19 3. The attending physician's diagnosis and prognosis, and
20 determination that the patient is capable, acting voluntarily and
21 has made an informed decision;

22 4. The consulting physician's diagnosis and prognosis, and
23 verification that the patient is capable, acting voluntarily and has
24 made an informed decision;

1 5. A report of the outcome and determinations made during
2 counseling, if performed;

3 6. The attending physician's offer to the patient to rescind
4 his or her request at the time of the patient's second oral request
5 pursuant to Section 11 of this act; and

6 7. A note by the attending physician indicating that all
7 requirements under the Oklahoma Death with Dignity Act have been met
8 and indicating the steps taken to carry out the request, including a
9 notation of the medication prescribed.

10 SECTION 15. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 3002.14 of Title 63, unless
12 there is created a duplication in numbering, reads as follows:

13 Only requests made by Oklahoma residents under the Oklahoma
14 Death with Dignity Act shall be granted. Factors demonstrating
15 Oklahoma residency include but are not limited to:

- 16 1. Possession of an Oklahoma driver license;
- 17 2. Registration to vote in Oklahoma;
- 18 3. Evidence that the person owns or leases property in
19 Oklahoma; or
- 20 4. Filing of an Oklahoma tax return for the most recent tax
21 year.

22 SECTION 16. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3002.15 of Title 63, unless
24 there is created a duplication in numbering, reads as follows:

1 A. 1. The State Department of Health shall annually review a
2 sample of records maintained pursuant to the Oklahoma Death with
3 Dignity Act.

4 2. The Department shall require any health care provider upon
5 dispensing medication pursuant to the Oklahoma Death with Dignity
6 Act to file a copy of the dispensing record with the Department.

7 B. The Department shall promulgate rules to facilitate the
8 collection of information regarding compliance with the Oklahoma
9 Death with Dignity Act. Except as otherwise required by law, the
10 information collected shall not be a public record and shall not be
11 made available for inspection by the public.

12 C. The Department shall generate and make available to the
13 public an annual statistical report of information collected under
14 subsection B of this section.

15 SECTION 17. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3002.16 of Title 63, unless
17 there is created a duplication in numbering, reads as follows:

18 A. No provision in a contract, will or other agreement, whether
19 written or oral, to the extent the provision would affect whether a
20 person may make or rescind a request for medication to end his or
21 her life in a humane and dignified manner, shall be valid.

22 B. No obligation owing under any currently existing contract
23 shall be conditioned or effected by the making or rescinding of a
24

1 request, by a person, for medication to end his or her life in a
2 humane and dignified manner.

3 SECTION 18. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3002.17 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 The sale, procurement or issuance of any life, health or
7 accident insurance or annuity policy or the rate charged for any
8 policy shall not be conditioned upon or effected by the making or
9 rescinding of a request by a person for medication to end his or her
10 life in a humane and dignified manner. Neither shall a qualified
11 patient's act of ingesting medication to end his or her life in a
12 humane and dignified manner have an effect upon a life, health or
13 accident insurance or annuity policy.

14 SECTION 19. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3002.18 of Title 63, unless
16 there is created a duplication in numbering, reads as follows:

17 Nothing in the Oklahoma Death with Dignity Act shall be
18 construed to authorize a physician or any other person to end a
19 patient's life by lethal injection, mercy killing or active
20 euthanasia. Actions taken in accordance with the Oklahoma Death
21 with Dignity Act shall not, for any purpose, constitute suicide,
22 assisted suicide, mercy killing or homicide, under the law.

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1 SECTION 20. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3002.19 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 Except as provided in the Oklahoma Death with Dignity Act:

5 1. No person shall be subject to civil or criminal liability or
6 professional disciplinary action for participating in good-faith
7 compliance with the Oklahoma Death with Dignity Act, including being
8 present when a qualified patient takes the prescribed medication to
9 end his or her life in a humane and dignified manner;

10 2. No professional organization or association, or health care
11 provider, may subject a person to censure, discipline, suspension,
12 loss of license, loss of privileges, loss of membership or other
13 penalty for participating or refusing to participate in good-faith
14 compliance with the Oklahoma Death with Dignity Act;

15 3. No request by a patient for or provision by an attending
16 physician of medication in good-faith compliance with the provisions
17 of the Oklahoma Death with Dignity Act shall constitute neglect for
18 any purpose of law or provide the sole basis for the appointment of
19 a guardian or conservator;

20 4. No health care provider shall be under any duty, whether by
21 contract, statute or any other legal requirement, to participate in
22 the provision to a qualified patient of medication to end his or her
23 life in a humane and dignified manner. If a health care provider is
24 unable or unwilling to carry out a patient's request under the

1 Oklahoma Death with Dignity Act, and the patient transfers his or
2 her care to a new health care provider, the prior health care
3 provider shall transfer, upon request, a copy of the patient's
4 relevant medical records to the new health care provider;

5 5. a. Notwithstanding any other provision of law, a health
6 care provider may prohibit another health care
7 provider from participating in the Oklahoma Death with
8 Dignity Act on the premises of the prohibiting
9 provider if the prohibiting provider has notified the
10 health care provider of the prohibiting provider's
11 policy regarding participating in the Oklahoma Death
12 with Dignity Act. A health care provider may provide
13 services to a patient that do not constitute
14 participation in the Oklahoma Death with Dignity Act.

15 b. Notwithstanding the provisions of paragraphs 1 through
16 4 of this section, a health care provider may subject
17 another health care provider to the sanctions stated
18 in this subparagraph if the sanctioning health care
19 provider has notified the sanctioned provider prior to
20 participation in the Oklahoma Death with Dignity Act
21 that it prohibits participation in the Oklahoma Death
22 with Dignity Act:

23 (1) loss of privileges, loss of membership or other
24 sanction provided pursuant to the medical staff

1 bylaws, policies and procedures of the
2 sanctioning health care provider if the
3 sanctioned provider is a member of the
4 sanctioning provider's medical staff and
5 participates in the Oklahoma Death with Dignity
6 Act while on the health care facility premises of
7 the sanctioning health care provider, but not
8 including the private medical office of a
9 physician or other provider,

10 (2) termination of lease or other property contract
11 or other nonmonetary remedies provided by lease
12 contract, not including loss or restriction of
13 medical staff privileges or exclusion from a
14 provider panel, if the sanctioned provider
15 participates in the Oklahoma Death with Dignity
16 Act while on the premises of the sanctioning
17 health care provider or on property that is owned
18 by or under the direct control of the sanctioning
19 health care provider, or

20 (3) termination of contract or other nonmonetary
21 remedies provided by contract if the sanctioned
22 provider participates in the Oklahoma Death with
23 Dignity Act while acting in the course and scope
24 of the sanctioned provider's capacity as an

1 employee or independent contractor of the
2 sanctioning health care provider. Nothing in
3 this division shall be construed to prevent:

4 (a) a health care provider from participating in
5 the Oklahoma Death with Dignity Act while
6 acting outside the course and scope of the
7 provider's capacity as an employee or
8 independent contractor, or

9 (b) a patient from contracting with his or her
10 attending physician and consulting physician
11 to act outside the course and scope of the
12 provider's capacity as an employee or
13 independent contractor of the sanctioning
14 health care provider.

15 c. A health care provider that imposes sanctions pursuant
16 to subparagraph b of this paragraph must follow all
17 due process and other procedures the sanctioning
18 health care provider may have that are related to the
19 imposition of sanctions on another health care
20 provider.

21 d. For purposes of this paragraph:

22 (1) "notify" means a separate statement in writing to
23 the health care provider specifically informing
24 the health care provider prior to the provider's

1 participation in the Oklahoma Death with Dignity
2 Act of the sanctioning health care provider's
3 policy about participation in activities covered
4 by the Oklahoma Death with Dignity Act,

5 (2) "participate in the Oklahoma Death with Dignity
6 Act" means to perform the duties of an attending
7 physician pursuant to Section 6 of this act, the
8 consulting physician function pursuant to Section
9 7 of this act or the counseling function pursuant
10 to Section 8 of this act. "Participate in the
11 Oklahoma Death with Dignity Act" does not
12 include:

- 13 (a) making an initial determination that a
14 patient has a terminal disease and informing
15 the patient of the medical prognosis,
16 (b) providing information about the Oklahoma
17 Death with Dignity Act to a patient upon the
18 request of the patient,
19 (c) providing a patient, upon the request of the
20 patient, with a referral to another
21 physician, or
22 (d) a patient contracting with his or her
23 attending physician and consulting physician
24 to act outside of the course and scope of

1 the provider's capacity as an employee or
2 independent contractor of the sanctioning
3 health care provider;

4 6. Suspension or termination of staff membership or privileges
5 under paragraph 5 of this section is not reportable under the
6 Oklahoma Death with Dignity Act. Action taken pursuant to the
7 Oklahoma Death with Dignity Act shall not be the sole basis for a
8 report of unprofessional conduct; and

9 7. No provision of the Oklahoma Death with Dignity Act shall be
10 construed to allow a lower standard of care for patients in the
11 community where the patient is treated or a similar community.

12 SECTION 21. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 3002.20 of Title 63, unless
14 there is created a duplication in numbering, reads as follows:

15 A. A person who without authorization of the patient willfully
16 alters or forges a request for medication or conceals or destroys a
17 rescission of that request with the intent or effect of causing the
18 patient's death shall be guilty of a felony.

19 B. A person who coerces or exerts undue influence on a patient
20 to request medication for the purpose of ending the patient's life,
21 or to destroy a rescission of such a request, shall be guilty of a
22 felony.

1 C. Nothing in the Oklahoma Death with Dignity Act limits
2 further liability for civil damages resulting from other negligent
3 conduct or intentional misconduct by any person.

4 D. The penalties in the Oklahoma Death with Dignity Act do not
5 preclude criminal penalties applicable under other laws for conduct
6 which is inconsistent with the provisions of the Oklahoma Death with
7 Dignity Act.

8 SECTION 22. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 3002.21 of Title 63, unless
10 there is created a duplication in numbering, reads as follows:

11 Any governmental entity that incurs costs resulting from a
12 person terminating his or her life pursuant to the provisions of the
13 Oklahoma Death with Dignity Act in a public place shall have a claim
14 against the estate of the person to recover such costs and
15 reasonable attorney fees related to enforcing the claim.

16 SECTION 23. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 3002.22 of Title 63, unless
18 there is created a duplication in numbering, reads as follows:

19 A request for a medication as authorized by the Oklahoma Death
20 with Dignity Act shall be in substantially the following form:

21 REQUEST FOR MEDICATION

22 TO END MY LIFE IN A HUMANE

23 AND DIGNIFIED MANNER

24 I, _____, am an adult of sound mind.

1 I am suffering from _____, which my attending physician has
2 determined is a terminal disease and which has been medically
3 confirmed by a consulting physician.

4 I have been fully informed of my diagnosis, prognosis, the
5 nature of medication to be prescribed and potential associated
6 risks, the expected result and the feasible alternatives, including
7 comfort care, hospice care and pain control.

8 I request that my attending physician prescribe medication that
9 will end my life in a humane and dignified manner.

10 INITIAL ONE:

11 ___ I have informed my family of my decision and taken their
12 opinions into consideration.

13 ___ I have decided not to inform my family of my decision.

14 ___ I have no family to inform of my decision.

15 I understand that I have the right to rescind this request at
16 any time.

17 I understand the full import of this request, and I expect to
18 die when I take the medication to be prescribed. I further
19 understand that although most deaths occur within three (3) hours,
20 my death may take longer, and my physician has counseled me about
21 this possibility.

22 I make this request voluntarily and without reservation, and I
23 accept full moral responsibility for my actions.

24 Signed: _____

1 Dated: _____

2 DECLARATION OF WITNESSES

3 We declare that the person signing this request:

4 1. Is personally known to us or has provided proof of identity;

5 2. Signed this request in our presence;

6 3. Appears to be of sound mind and not under duress, fraud or
7 undue influence;

8 4. Is not a patient for whom either of us is attending
9 physician.

10 _____ Witness 1/Date _____

11 _____ Witness 2/Date _____

12 NOTE: One witness shall not be a relative (by blood, marriage or
13 adoption) of the person signing this request, shall not be entitled
14 to any portion of the person's estate upon death and shall not own,
15 operate or be employed at a health care facility where the person is
16 a patient or resident. If the patient is an inpatient at a health
17 care facility, one of the witnesses shall be an individual
18 designated by the facility.

19 SECTION 24. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 3002.23 of Title 63, unless
21 there is created a duplication in numbering, reads as follows:

22 A. It shall be a felony for a person without authorization of
23 the principal to willfully alter, forge, conceal or destroy an
24 instrument, the reinstatement or revocation of an instrument or any

1 other evidence or document reflecting the principal's desires and
2 interests, with the intent and effect of causing a withholding or
3 withdrawal of life-sustaining procedures or of artificially
4 administered nutrition and hydration which hastens the death of the
5 principal.

6 B. Except as provided in subsection A of this section, it shall
7 be a misdemeanor for a person without authorization of the principal
8 to willfully alter, forge, conceal or destroy an instrument, the
9 reinstatement or revocation of an instrument, or any other evidence
10 or document reflecting the principal's desires and interests with
11 the intent or effect of affecting a health care decision.

12 SECTION 25. Sections 2 through 24 of this act shall become
13 effective upon certification of election returns favoring passage of
14 the Oklahoma Death with Dignity Act contained in those sections.

15 SECTION 26. The Ballot Title for the proposed act shall be in
16 the following form:

17 BALLOT TITLE

18 Legislative Referendum No. _____ State Question No. _____

19 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

20 This measure would allow an Oklahoma resident who is suffering
21 from a terminal disease and who voluntarily expresses his or her
22 wish to die, to make a written request for medication for the
23 purpose of ending his or her life in a humane and dignified
24 manner. The individual making the written request for

1 medication to end his or her life must complete a form
2 containing certain requirements. The attending physician is
3 required to complete certain requirements before the medication
4 is dispensed, including making a determination that the
5 individual has a terminal disease, is capable and has made the
6 request for medication to end his or her life voluntarily. The
7 attending physician is also required to refer the individual to
8 a consulting physician for medical confirmation of the diagnosis
9 and for a determination that the individual is capable and
10 acting voluntarily.

11 SHALL THE PROPOSAL BE APPROVED?

12 FOR THE PROPOSAL - YES _____

13 AGAINST THE PROPOSAL - NO _____

14 SECTION 27. The Chief Clerk of the House of Representatives,
15 immediately after the passage of this act, shall prepare and file
16 one copy thereof, including the Ballot Title set forth in SECTION 26
17 hereof, with the Secretary of State and one copy with the Attorney
18 General.

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20 56-2-8400 AM 12/05/17
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