

[Third Reprint]

**ASSEMBLY, No. 2270**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED FEBRUARY 6, 2014

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**  
**District 3 (Cumberland, Gloucester and Salem)**  
**Assemblyman TIMOTHY J. EUSTACE**  
**District 38 (Bergen and Passaic)**

**Co-Sponsored by:**

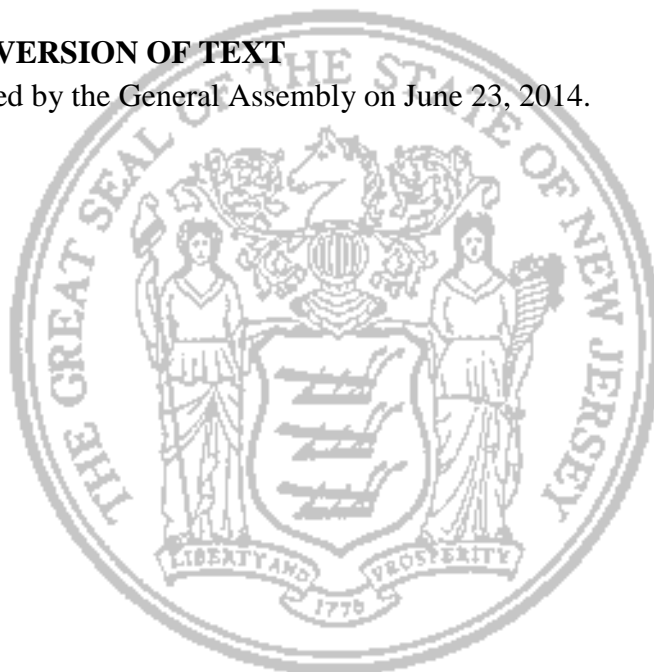
**Assemblymen Cryan, McKeon, Assemblywoman Jasey and Assemblyman Wilson**

**SYNOPSIS**

“Aid in Dying for the Terminally Ill Act”; permits qualified terminally ill patient to self-administer medication to end life in humane and dignified manner.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on June 23, 2014.



**(Sponsorship Updated As Of: 6/6/2014)**

1 AN ACT concerning <sup>1</sup>**[death with dignity]** aid in dying for the  
 2 terminally ill<sup>1</sup>, supplementing Titles 45 and 26 of the Revised  
 3 Statutes, and amending P.L.1991, c.270 and N.J.S.2C:11-6.

4  
 5 **BE IT ENACTED** by the Senate and General Assembly of the State  
 6 of New Jersey:

7  
 8 1. (New section) Sections 1 through 21 of <sup>2</sup>**[this act]** P.L. \_\_\_\_,  
 9 c. \_\_\_\_ (C. \_\_\_\_ ) (pending before the Legislature as this bill)<sup>2</sup> shall be  
 10 known and may be cited as the <sup>1</sup>**["New Jersey Death with Dignity**  
 11 **Act."]** "Aid in Dying for the Terminally Ill Act."<sup>1</sup>

12  
 13 2. (New section) The Legislature finds and declares that:

14 a. <sup>2</sup>**[The public welfare requires a defined and safeguarded**  
 15 **process, with procedural safeguards to protect the interests of**  
 16 **patients and health care providers, by which a patient who is an**  
 17 **adult New Jersey resident with the capacity to make health care**  
 18 **decisions, and who has been determined by that individual's**  
 19 **attending physician and consulting physician to be suffering from a**  
 20 **terminal disease that will cause death within six months, may obtain**  
 21 **medication that the patient may self-administer to end his life in a**  
 22 **humane and dignified manner]** Recognizing New Jersey's long-  
 23 standing commitment to individual dignity, informed consent, and  
 24 the fundamental right of competent adults to make health care  
 25 decisions about whether to have life-prolonging medical or surgical  
 26 means or procedures provided, withheld, or withdrawn, this State  
 27 affirms the right of a qualified terminally ill patient, protected by  
 28 appropriate safeguards, to obtain medication that the patient may  
 29 choose to self-administer in order to bring about the patient's  
 30 humane and dignified death<sup>2</sup>;

31 b. <sup>2</sup>Statistics from other states that have enacted laws to  
 32 provide compassionate aid in dying for terminally ill patients  
 33 indicate that the great majority of patients who requested  
 34 medication under the laws of those states, including more than 90%  
 35 of patients in Oregon since 1998 and between 72% and 86% of  
 36 patients in Washington in each year since 2009, were enrolled in  
 37 hospice care at the time of death, suggesting that those patients had  
 38 availed themselves of available treatment and comfort care options  
 39 available to them at the time they requested compassionate aid in  
 40 dying;

41 c.<sup>2</sup> The public welfare requires <sup>2</sup>**[that such a process be entirely**  
 42 **voluntary on the part of all participants, including the patient, the**

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHE committee amendments adopted June 5, 2014.

<sup>2</sup>Assembly floor amendments adopted June 16, 2014.

<sup>3</sup>Assembly floor amendments adopted June 23, 2014.

1 patient's physicians, and any other health care provider furnishing  
 2 services or care to the patient] a defined and safeguarded process in  
 3 order to effectuate the purposes of this act, which will:

4 (1) guide health care providers and patient advocates who  
 5 provide support to dying patients;

6 (2) assist capable, terminally ill patients who request  
 7 compassionate aid in dying;

8 (3) protect vulnerable adults from abuse; and

9 (4) ensure that the process is entirely voluntary on the part of all  
 10 participants, including patients and those health care providers that  
 11 are providing care to dying patients<sup>2</sup>; and

12 <sup>2</sup>[c.] d.<sup>2</sup> This act is <sup>2</sup>in the public interest and is<sup>2</sup> necessary for  
 13 the welfare of the State and its residents <sup>2</sup>], and it is intended that it  
 14 be liberally construed to effectuate its purposes]<sup>2</sup>.

15

16 3. (New section) As used in <sup>2</sup>[this act] P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_)  
 17 (pending before the Legislature as this bill)<sup>2</sup>:

18 "Adult" means an individual who is 18 years of age or older.

19 "Attending physician" means <sup>2</sup>[the] a<sup>2</sup> physician <sup>2</sup>licensed  
 20 pursuant to Title 45 of the Revised Statutes<sup>2</sup> who has primary  
 21 responsibility for the <sup>2</sup>treatment and<sup>2</sup> care of a <sup>2</sup>qualified terminally  
 22 ill<sup>2</sup> patient and treatment of the patient's <sup>2</sup>[terminal] illness,<sup>2</sup>  
 23 disease <sup>2</sup>, or condition<sup>2</sup>.

24 "Capable" means having the capacity to make health care  
 25 decisions and to communicate them to a health care <sup>2</sup>[professional]  
 26 provider<sup>2</sup>, including communication through persons familiar with  
 27 the patient's manner of communicating if those persons are  
 28 available.

29 "Consulting physician" means a physician <sup>2</sup>licensed pursuant to  
 30 Title 45 of the Revised Statutes<sup>2</sup> who is qualified by specialty or  
 31 experience to make a professional diagnosis and prognosis  
 32 regarding a patient's <sup>2</sup>illness,<sup>2</sup> disease <sup>2</sup>, or condition<sup>2</sup>.

33 "Counseling" means one or more consultations as necessary  
 34 between a psychiatrist or psychologist licensed pursuant to Title 45  
 35 of the Revised Statutes and a patient for the purpose of determining  
 36 that the patient is capable and not suffering from a psychiatric or  
 37 psychological disorder or depression causing impaired judgment.

38 "Health care facility" means a health care facility licensed  
 39 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) <sup>2</sup>.<sup>2</sup>

40 "Health care professional" means a person licensed to practice a  
 41 health care profession pursuant to Title 45 of the Revised Statutes.

42 <sup>2</sup>"Health care provider" means a health care professional or  
 43 health care facility.<sup>2</sup>

44 "Informed decision" means a decision by a qualified <sup>2</sup>terminally  
 45 ill<sup>2</sup> patient to request and obtain a prescription for medication that  
 46 the <sup>2</sup>[qualified]<sup>2</sup> patient may <sup>2</sup>choose to<sup>2</sup> self-administer to end the

1 patient's life in a humane and dignified manner, which is based on  
2 an appreciation of the relevant facts and after being fully informed  
3 by the attending physician of:

- 4 (1) the patient's medical diagnosis;
- 5 (2) the patient's prognosis;
- 6 (3) the potential risks associated with taking the medication to  
7 be prescribed;
- 8 (4) the probable result of taking the medication to be prescribed;
- 9 and
- 10 (5) the feasible alternatives to taking the medication, including,  
11 but not limited to, <sup>2</sup>additional treatment opportunities,<sup>2</sup> palliative  
12 care, <sup>2</sup>comfort care,<sup>2</sup> hospice care, and pain control.

13 "Medically confirmed" means that the medical opinion of the  
14 attending physician has been confirmed <sup>2</sup>pursuant to section 7 of  
15 P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill)<sup>2</sup>  
16 by a consulting physician who has examined the patient and the  
17 patient's relevant medical records.

18 <sup>2</sup>**["Participating in this act" or "participation in this act"]**  
19 **"Participate in this act"**<sup>2</sup> means to perform the duties of <sup>2</sup>**[an**  
20 attending physician or consulting physician, a psychiatrist or  
21 psychologist providing counseling, or a pharmacist dispensing  
22 medication,] **a health care provider**<sup>2</sup> in accordance with the  
23 provisions of <sup>2</sup>**[this act] P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before**  
24 **the Legislature as this bill)**<sup>2</sup>, but does not include: making an initial  
25 determination that a patient <sup>2</sup>**[has a terminal disease] is terminally**  
26 **ill**<sup>2</sup> and informing the patient of the medical prognosis; providing  
27 information about the provisions of <sup>2</sup>**[this act] P.L. \_\_\_\_\_, c. \_\_\_\_\_**  
28 **(pending before the Legislature as this bill)**<sup>2</sup> to a patient upon the  
29 patient's request; or providing a patient, upon the patient's request,  
30 with a referral to another <sup>2</sup>**[physician] health care provider**<sup>2</sup>.

31 "Patient" means a person who is under the care of a physician.

32 <sup>2</sup>**["Physician" means a doctor of medicine or osteopathy licensed**  
33 **to practice medicine in New Jersey by the State Board of Medical**  
34 **Examiners.]**<sup>2</sup>

35 "Qualified <sup>2</sup>terminally ill patient" means a capable adult who is  
36 a resident of New Jersey and has satisfied the requirements <sup>2</sup>**[of this**  
37 **act in order]**<sup>2</sup> to obtain a prescription for medication <sup>2</sup>**[that the**  
38 **qualified patient may self-administer to end the patient's life in a**  
39 **humane and dignified manner] pursuant to P.L. \_\_\_\_\_, c. \_\_\_\_\_**  
40 **(pending before the Legislature as this bill)**<sup>2</sup>. A person shall not be  
41 considered to be a qualified <sup>2</sup>terminally ill patient solely because  
42 of the person's age or disability <sup>2</sup>or a diagnosis of any specific  
43 illness, disease, or condition<sup>2</sup>.

44 "Self-administer" means a qualified <sup>2</sup>terminally ill patient's act  
45 of ingesting medication <sup>2</sup>**[to end that individual's life in a humane**

1 and dignified manner] that has been prescribed pursuant to P.L. \_\_\_\_\_,  
2 c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill)<sup>2</sup>.

3 <sup>2</sup>["Terminal disease" means an incurable and irreversible disease  
4 that has been medically confirmed and will, within reasonable  
5 medical judgment, result in a patient's death within six months.]  
6 "Terminally ill" means that the patient is in the terminal stage of an  
7 irreversibly fatal illness, disease, or condition <sup>3</sup>["A determination  
8 of a specific life expectancy is not required as a precondition for a  
9 diagnosis that the patient is "terminally ill," but] with<sup>3</sup> a prognosis,  
10 based upon reasonable medical certainty, of a life expectancy of six  
11 months or less <sup>3</sup>["with or without the provision of life-sustaining  
12 treatment, shall be deemed to constitute evidence that the patient is  
13 "terminally ill" for the purposes of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending  
14 before the Legislature as this bill)]<sup>3</sup> <sup>2</sup>.

15  
16 4. (New section) A <sup>2</sup>terminally ill<sup>2</sup> patient may make a written  
17 request for medication that the patient may <sup>2</sup>choose to<sup>2</sup> self-  
18 administer <sup>2</sup>["in order to end that individual's life in a humane and  
19 dignified manner in accordance with the provisions of this act]  
20 pursuant to P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature  
21 as this bill)<sup>2</sup>, if the patient:

22 a. is an adult resident of New Jersey <sup>2</sup>as demonstrated pursuant  
23 to section 11 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
24 Legislature as this bill)<sup>2</sup>;

25 b. is capable and has been determined by the patient's  
26 attending physician and <sup>2</sup>a<sup>2</sup> consulting physician to be <sup>2</sup>["suffering  
27 from a terminal disease] terminally ill<sup>2</sup>; and

28 c. has voluntarily expressed a wish to <sup>2</sup>["die] receive a  
29 prescription for medication pursuant to P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_)  
30 (pending before the Legislature as this bill)<sup>2</sup>.

31  
32 5. (New section) a. A valid <sup>2</sup>written<sup>2</sup> request for medication  
33 under <sup>2</sup>["this act] P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
34 Legislature as this bill)<sup>2</sup> shall be in substantially the form set forth  
35 in section 20 of <sup>2</sup>["this act] P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before  
36 the Legislature as this bill)<sup>2</sup>, signed and dated by the patient and  
37 witnessed by at least two individuals who, in the patient's presence,  
38 attest that, to the best of their knowledge and belief, the patient is  
39 capable and is acting voluntarily to sign the request.

40 b. At least one of the witnesses shall be a person who is not:

41 (1) a relative of the patient by blood, marriage, or adoption;

42 (2) at the time the request is signed, entitled to any portion of  
43 the <sup>2</sup>patient's<sup>2</sup> estate <sup>2</sup>["of the qualified patient]<sup>2</sup> upon the patient's  
44 death under any will or by operation of law; and

1 (3) an owner, operator, or employee of a health care facility  
2 where the <sup>2</sup>qualified<sup>2</sup> patient is receiving medical treatment or is  
3 a resident.

4 c. The patient's attending physician at the time the request is  
5 signed shall not serve as a witness.

6 d. If, at the time the written request is made, the patient is a  
7 resident of a long-term care facility licensed pursuant to P.L.1971,  
8 c.136 (C.26:2H-1 et seq.), one of the witnesses shall be an  
9 individual designated by the facility.

10

11 6. (New section) a. The attending physician shall ensure that  
12 all appropriate steps are carried out in accordance with the  
13 provisions of <sup>2</sup>this act<sup>2</sup> P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before  
14 the Legislature as this bill)<sup>2</sup> before writing a prescription for  
15 medication <sup>2</sup>to enable<sup>2</sup> that<sup>2</sup> a qualified <sup>2</sup>terminally ill<sup>2</sup> patient  
16 <sup>2</sup>to end the patient's life in a humane and dignified manner, for  
17 which purpose that physician shall may choose to self-administer  
18 pursuant to P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature  
19 as this bill), including such actions as are necessary to<sup>2</sup>:

20 (1) make the initial determination of whether a patient <sup>2</sup>has a  
21 terminal disease<sup>2</sup> is terminally ill<sup>2</sup>, is capable, and has <sup>2</sup>voluntarily<sup>2</sup>  
22 made the request for medication <sup>2</sup>voluntarily<sup>2</sup> pursuant to P.L. \_\_\_\_\_,  
23 c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill)<sup>2</sup>;

24 (2) require that the patient demonstrate New Jersey residency  
25 <sup>2</sup>pursuant to section 11 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before  
26 the Legislature as this bill)<sup>2</sup>;

27 (3) inform the patient of: the patient's medical diagnosis <sup>2</sup>the  
28 patient's<sup>2</sup> and<sup>2</sup> prognosis; the potential risks associated with taking  
29 the medication to be prescribed; the probable result of taking the  
30 medication to be prescribed; and the feasible alternatives to taking  
31 the medication, including, but not limited to, <sup>2</sup>additional treatment  
32 opportunities,<sup>2</sup> palliative care, <sup>2</sup>comfort care,<sup>2</sup> hospice care, and  
33 pain control;

34 (4) refer the patient to a consulting physician for medical  
35 confirmation of the diagnosis <sup>2</sup>and prognosis<sup>2</sup>, and for a  
36 determination that the patient is capable and acting voluntarily;

37 (5) refer the patient for counseling, if appropriate, pursuant to  
38 <sup>2</sup>this act<sup>2</sup> section 8 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
39 Legislature as this bill);

40 (6) recommend that the patient participate in a consultation  
41 concerning additional treatment opportunities, palliative care,  
42 comfort care, hospice care, and pain control options for the patient,  
43 and provide the patient with a referral to a health care professional  
44 qualified to discuss these options with the patient<sup>2</sup>;

45 <sup>2</sup>(6)<sup>2</sup> (7)<sup>2</sup> recommend that the patient notify the patient's next  
46 of kin of the patient's decision to request the medication;

1       <sup>2</sup>[(7)] (8)<sup>2</sup> advise the patient about the importance of having  
 2 another person present <sup>2</sup>if and<sup>2</sup> when the patient <sup>2</sup>[takes the]  
 3 chooses to self-administer<sup>2</sup> medication prescribed under <sup>2</sup>[this act]  
 4 P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill)<sup>2</sup>  
 5 and of not taking the medication in a public place;

6       <sup>2</sup>[(8)] (9)<sup>2</sup> inform the patient of the patient's opportunity to  
 7 rescind the request at any time and in any manner, and offer the  
 8 patient an opportunity to rescind the request at the <sup>2</sup>[end of the 15-  
 9 day waiting period required by this act] time the patient makes a  
 10 second oral request as provided in section 10 of P.L. \_\_\_\_\_,  
 11 c. \_\_\_\_\_) (pending before the Legislature as this bill)<sup>2</sup>;

12       <sup>2</sup>[(9)] (10)<sup>2</sup> verify, immediately before writing the prescription  
 13 for medication under <sup>2</sup>[this act] P.L. \_\_\_\_\_, c. \_\_\_\_\_) (pending  
 14 before the Legislature as this bill)<sup>2</sup>, that the patient is making an  
 15 informed decision to request the medication; and

16       <sup>2</sup>[(10)] (11)<sup>2</sup> fulfill the medical record documentation  
 17 requirements of <sup>2</sup>[this act] P.L. \_\_\_\_\_, c. \_\_\_\_\_) (pending before  
 18 the Legislature as this bill)<sup>2</sup>.

19       b. The attending physician shall:

20       (1) dispense medication directly, including ancillary medication  
 21 intended to facilitate the desired effect to minimize the patient's  
 22 discomfort, if the attending physician is authorized under law to  
 23 dispense and has a current federal Drug Enforcement  
 24 Administration certificate of registration; or

25       (2) with the patient's written consent:

26       (a) contact a pharmacist to inform the latter of the prescription;  
 27 and

28       (b) transmit the written prescription personally, by mail, or by  
 29 <sup>2</sup>[otherwise]<sup>2</sup> permissible electronic communication to the  
 30 pharmacist, who shall dispense the medication directly to either the  
 31 patient, the attending physician, or an expressly identified agent of  
 32 the patient.

33       Medication dispensed pursuant to this subsection shall not be  
 34 dispensed to the patient by mail or other form of courier.

35       <sup>2</sup>[c. The attending physician may sign the patient's death  
 36 certificate, which shall list the underlying terminal disease as the  
 37 cause of death.]<sup>2</sup>

38

39       7. (New section) A <sup>2</sup>[person] patient<sup>2</sup> shall not be considered  
 40 a qualified <sup>2</sup>terminally ill<sup>2</sup> patient until a consulting physician has:

41       a. examined that <sup>2</sup>[person] patient<sup>2</sup> and the <sup>2</sup>[person's]  
 42 patient's<sup>2</sup> relevant medical records;

43       b. confirmed, in writing, the attending physician's diagnosis  
 44 that the <sup>2</sup>[person is suffering from a terminal disease] patient is  
 45 terminally ill<sup>2</sup>; and

1 c. verified that the <sup>2</sup>**[person]** patient<sup>2</sup> is capable, is acting  
2 voluntarily, and has made an informed decision to request  
3 medication <sup>2</sup>**[to end the person's life in a humane and dignified**  
4 **manner]** that, if prescribed, the patient may choose to self-  
5 administer pursuant to P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
6 Legislature as this bill)<sup>2</sup>.

7  
8 8. (New section) <sup>2</sup>**a.**<sup>2</sup> If, in the <sup>2</sup>medical<sup>2</sup> opinion of the  
9 attending physician or the consulting physician, a patient  
10 <sup>2</sup>requesting medication that the patient may choose to self-  
11 administer pursuant to P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
12 Legislature as this bill) may not be capable because the patient<sup>2</sup>  
13 may <sup>2</sup>**[be suffering from]** have<sup>2</sup> a psychiatric or psychological  
14 disorder or depression <sup>2</sup>**[causing]** that causes<sup>2</sup> impaired judgment,  
15 <sup>2</sup>**[either]** the<sup>2</sup> physician shall refer the patient <sup>2</sup>to a licensed  
16 psychiatrist or psychologist<sup>2</sup> for counseling <sup>2</sup>to determine whether  
17 the patient is capable. A consulting physician who refers a patient  
18 to a licensed psychiatrist or psychologist for counseling pursuant to  
19 this subsection shall provide written notice of the referral to the  
20 attending physician<sup>2</sup>. <sup>2</sup>**[Medication to end a patient's life in a**  
21 **humane and dignified manner shall not be prescribed unless the**  
22 **person performing the counseling determines that the patient is not**  
23 **suffering from a psychiatric or psychological disorder or depression**  
24 **causing impaired judgment.]**

25 b. If a patient has been referred to a licensed psychiatrist or  
26 psychologist for counseling pursuant to subsection a. of this section,  
27 the attending physician shall not write a prescription for medication  
28 that the patient may choose to self-administer pursuant to P.L. \_\_\_\_\_,  
29 c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill) unless  
30 the attending physician has been notified in writing by the licensed  
31 psychiatrist or psychologist of that individual's determination that  
32 the patient is capable.<sup>2</sup>

33  
34 <sup>2</sup>**[9. (New section) A patient shall not receive a prescription for**  
35 **medication to end the patient's life in a humane and dignified**  
36 **manner unless the patient has made an informed decision.**  
37 **Immediately before writing a prescription for medication pursuant**  
38 **to this act, the attending physician shall verify that the patient is**  
39 **making an informed decision.]**<sup>2</sup>

40  
41 <sup>2</sup>**[10.]** <sup>2</sup>**9.**<sup>2</sup> (New section) A <sup>2</sup>qualified terminally ill<sup>2</sup> patient  
42 shall not receive a prescription for medication <sup>2</sup>**[to end the patient's**  
43 **life in a humane and dignified manner]** that the patient may choose  
44 to self-administer pursuant to P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending  
45 before the Legislature as this bill)<sup>2</sup> unless the attending physician  
46 has recommended that the patient notify the patient's next of kin of



1 the patient's request for medication <sup>2</sup>[pursuant to this act]<sup>2</sup>, except  
2 that a patient who declines or is unable to notify the patient's next  
3 of kin shall not have the request for medication denied for that  
4 reason.

5  
6 <sup>2</sup>[11.] 10.<sup>2</sup> (New section) a. <sup>2</sup>[In order to receive a  
7 prescription for medication that a qualified patient may self-  
8 administer to end the patient's life in a humane and dignified  
9 manner, the patient shall make an oral request and a written request  
10 for the medication, and reiterate the oral request to the patient's  
11 attending physician at least 15 days after making the initial oral  
12 request. At the time the patient makes a second oral request, the  
13 attending physician shall offer the patient an opportunity to rescind  
14 the request.

15 (1) At least 15 days shall elapse between the patient's initial oral  
16 request and the writing of a prescription pursuant to this act.

17 (2) At least 48 hours shall elapse between the time the patient  
18 signs the written request and the writing of a prescription pursuant  
19 to this act.] In order to receive a prescription for medication that a  
20 qualified terminally ill patient may choose to self-administer  
21 pursuant to P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature  
22 as this bill), the patient shall make two oral requests and one written  
23 request for the medication to the patient's attending physician,  
24 subject to the following requirements:

25 (1) at least 15 days shall elapse between the initial oral request  
26 and the second oral request;

27 (2) at the time the patient makes a second oral request, the  
28 attending physician shall offer the patient an opportunity to rescind  
29 the request;

30 (3) the patient may submit the written request to the attending  
31 physician when the patient makes the initial oral request or at any  
32 time thereafter;

33 (4) the written request shall meet the requirements of section 5  
34 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
35 bill);

36 (5) at least 15 days shall elapse between the patient's initial oral  
37 request and the writing of a prescription pursuant to P.L. \_\_\_\_\_,  
38 c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill); and

39 (6) at least 48 hours shall elapse between the attending  
40 physician's receipt of the patient's written request and the writing  
41 of a prescription pursuant to P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending  
42 before the Legislature as this bill)<sup>2</sup>.

43 b. A qualified <sup>2</sup>terminally ill<sup>2</sup> patient may rescind the request at  
44 any time and in any manner without regard to the patient's mental  
45 state. <sup>2</sup>[The attending physician shall not write a prescription for  
46 medication pursuant to this act without offering the patient an  
47 opportunity to rescind the request.]<sup>2</sup>

1 c. <sup>2</sup>At the time the patient makes an initial oral request for  
2 medication that the patient may choose to self-administer pursuant  
3 to P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
4 bill), the patient's attending physician shall recommend to the  
5 patient that the patient participate in a consultation concerning  
6 additional treatment opportunities, palliative care, comfort care,  
7 hospice care, and pain control options, and provide the patient with  
8 a referral to a health care professional qualified to discuss these  
9 options with the patient. If the patient chooses to participate in such  
10 consultation, the consultation shall include, to the extent the patient  
11 consents to share such information, consideration of: the patient's  
12 terminal illness; the patient's prognosis; current and past courses of  
13 treatment prescribed for the patient in connection with the patient's  
14 terminal illness, including the results of any such treatment; and any  
15 palliative care, comfort care, hospice care, and pain control  
16 treatment the patient is currently receiving or has received in the  
17 past.

18 d.<sup>2</sup> The <sup>2</sup>attending physician shall ensure that the<sup>2</sup> following  
19 items <sup>2</sup>[shall be documented] are included<sup>2</sup> in the patient's medical  
20 record <sup>2</sup>[for the purposes of this act]<sup>2</sup>:

21 (1) <sup>2</sup>the determination that the patient is a qualified terminally  
22 ill patient and the basis for that determination;

23 (2)<sup>2</sup> <sup>2</sup>[the oral requests and the written request] all oral and  
24 written requests<sup>2</sup> by the patient to the attending physician for  
25 medication <sup>2</sup>[to end the patient's life in a humane and dignified  
26 manner] that the patient may choose to self-administer pursuant to  
27 P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
28 bill)<sup>2</sup>;

29 <sup>2</sup>[(2)] (3)<sup>2</sup> the attending physician's diagnosis and prognosis,  
30 and determination that the patient is capable, is acting voluntarily,  
31 and has made an informed decision;

32 <sup>2</sup>[(3)] (4)<sup>2</sup> the consulting physician's diagnosis and prognosis,  
33 and verification that the patient is capable, is acting voluntarily, and  
34 has made an informed decision;

35 <sup>2</sup>[(4) a report of the outcome and determinations made during  
36 counseling of the patient pursuant to this act;]<sup>2</sup>

37 (5) <sup>2</sup>if applicable, a report of the determination made by a  
38 licensed psychiatrist or psychologist as to whether the patient is  
39 capable pursuant to section 8 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending  
40 before the Legislature as this bill);

41 (6) the attending physician's recommendation that the patient  
42 participate in a consultation concerning additional treatment  
43 opportunities, palliative care, comfort care, hospice care, and pain  
44 control options; the referral provided to the patient with a referral to  
45 a health care professional qualified to discuss these options with the  
46 patient; an indication as to whether the patient participated in the  
47 consultation; and an indication as to whether the patient is currently

1 receiving palliative care, comfort care, hospice care, or pain control  
2 treatments;

3 (7)<sup>2</sup> the attending physician's offer to the patient to rescind the  
4 patient's request at the time of the patient's second oral request; and  
5 <sup>2</sup>[(6)] (8)<sup>2</sup> a note by the attending physician indicating that all  
6 requirements under <sup>2</sup>[this act] P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending  
7 before the Legislature as this bill)<sup>2</sup> have been met and indicating the  
8 steps taken to carry out the patient's request for medication,  
9 including a notation of the medication prescribed.

10

11 <sup>2</sup>[12.] 11.<sup>2</sup> (New section) A request for medication pursuant to  
12 <sup>2</sup>[this act] P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature  
13 as this bill)<sup>2</sup> shall not be granted unless the qualified <sup>2</sup>terminally ill<sup>2</sup>  
14 patient has documented that individual's New Jersey residency by  
15 furnishing to the attending physician a copy of one of the following  
16 <sup>2</sup>[as applies to that individual]<sup>2</sup>:

17 a. a driver's license or non-driver identification card issued by  
18 the New Jersey Motor Vehicle Commission;

19 b. proof that the person is registered to vote in New Jersey;

20 c. a New Jersey resident gross income tax return filed for the  
21 most recent tax year; or

22 d. any other government record that the attending physician  
23 reasonably believes to demonstrate the individual's current  
24 residency in this State.

25

26 <sup>2</sup>[13.] 12.<sup>2</sup> (New section) Any medication dispensed pursuant  
27 to <sup>2</sup>[this act that is not self-administered by a qualified patient]  
28 P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill)  
29 that a qualified terminally ill patient chooses not to self-administer<sup>2</sup>  
30 shall be disposed of by lawful means.

31

32 <sup>2</sup>[14.] 13.<sup>2</sup> (New section) a. The Director of the Division of  
33 Consumer Affairs in the Department of Law and Public Safety shall  
34 require that a health care professional report the following  
35 information to the division on a form and in a manner prescribed by  
36 regulation of the director <sup>2</sup>, in consultation with the Commissioner  
37 of Health<sup>2</sup>:

38 (1) No later than 30 days after the dispensing of medication  
39 pursuant to <sup>2</sup>[this act] P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
40 Legislature as this bill)<sup>2</sup>, the health care professional who dispensed  
41 the medication shall file a copy of the dispensing record with the  
42 division, and shall otherwise facilitate the collection of such  
43 information as the director may require regarding compliance with  
44 <sup>2</sup>[this act] P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature  
45 as this bill)<sup>2</sup>.

1 (2) No later than 30 days after the date of the <sup>2</sup>qualified  
2 terminally ill<sup>2</sup> patient's death, the <sup>2</sup>attending<sup>2</sup> physician <sup>2</sup>【who  
3 prescribed the medication】<sup>2</sup> shall transmit to the division such  
4 documentation of the patient's death as the director shall require.

5 (3) In the event that anyone required to report information to the  
6 division pursuant to <sup>2</sup>【this act】 P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending  
7 before the Legislature as this bill)<sup>2</sup> provides an inadequate or  
8 incomplete report, the division shall contact the person to request a  
9 complete report.

10 <sup>2</sup>(4) To the maximum extent practicable and consistent with the  
11 purposes of this section, the division shall seek to coordinate the  
12 process for reporting information pursuant to this subsection with  
13 the process for reporting prescription monitoring information by a  
14 pharmacy permit holder pursuant to sections 25 through 30 of  
15 P.L.2007, c.244 (C.45:1-45 through C.45:1-50).<sup>2</sup>

16 b. Any information collected pursuant to subsection a. of this  
17 section that contains material or data that could be used to identify  
18 an individual patient or health care professional shall not be  
19 included under materials available to public inspection pursuant to  
20 P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5  
21 et al.).

22 c. The division shall prepare and make available to the public  
23 on its Internet website an annual statistical report of information  
24 collected pursuant to subsection a. of this section.

25  
26 <sup>2</sup>【15.】 14.<sup>2</sup> (New section) a. A provision in a contract, will,  
27 insurance policy, annuity, or other agreement, whether written or  
28 oral, made on or after the effective date of <sup>2</sup>【this act】 P.L. \_\_\_\_\_,  
29 c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill)<sup>2</sup>, shall  
30 not be valid to the extent that the provision would condition or  
31 restrict a person's decision to make or rescind a request for  
32 medication <sup>2</sup>【to end the person's life in a humane and dignified  
33 manner】 pursuant to P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
34 Legislature as this bill)<sup>2</sup>.

35 b. An obligation owing under a contract, will, insurance policy,  
36 annuity, or other agreement, made before the effective date of <sup>2</sup>【this  
37 act】 P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
38 bill)<sup>2</sup>, shall not be affected by: the provisions of <sup>2</sup>【this act】  
39 P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
40 bill)<sup>2</sup>; a person's making or rescinding a request for medication <sup>2</sup>【to  
41 end the person's life in a humane and dignified manner】 pursuant to  
42 P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
43 bill)<sup>2</sup>; or any other action taken pursuant to <sup>2</sup>【this act】 P.L. \_\_\_\_\_,  
44 c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill)<sup>2</sup>.

45 c. On or after the effective date of <sup>2</sup>【this act】 P.L. \_\_\_\_\_,  
46 c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill)<sup>2</sup>,

1 procurement or issuance of a life, health, or accident insurance  
 2 policy or annuity <sup>2</sup>,<sup>2</sup> or the premium or rate charged for the policy  
 3 or annuity <sup>2</sup>,<sup>2</sup> shall not be conditioned upon or otherwise take into  
 4 account the making or rescinding of a request for medication  
 5 pursuant to <sup>2</sup>**[this act]** P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
 6 Legislature as this bill)<sup>2</sup> by any person.

7  
 8 <sup>2</sup>**[16.] 15.**<sup>2</sup> (New section) Nothing in <sup>2</sup>**[this act]** P.L. \_\_\_\_\_,  
 9 c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill)<sup>2</sup> shall be  
 10 construed to:

11 a. authorize a physician or any other person to end a patient's  
 12 life by lethal injection, active euthanasia, or mercy killing <sup>2</sup>, or any  
 13 act that constitutes assisted suicide under any law of this State<sup>2</sup>; or

14 b. lower the applicable standard of care to be provided by a  
 15 health care professional who participates in <sup>2</sup>**[this act]** P.L. \_\_\_\_\_,  
 16 c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill)<sup>2</sup>.

17  
 18 <sup>2</sup>**16.** (New section) A person shall not be authorized to take any  
 19 action on behalf of a patient for the purposes of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_)  
 20 (pending before the Legislature as this bill) by virtue of that  
 21 person's designation as a guardian pursuant to N.J.S.3B:12-1 et  
 22 seq., a conservator pursuant to N.J.S.3B:13A-1 et seq., a health care  
 23 representative pursuant to P.L.1991, c.201 (C.26:2H-53 et seq.), or  
 24 a patient's representative pursuant to P.L.2011, c.145 (C.26:2H-129  
 25 et al.), except for communicating the patient's health care decisions  
 26 to a health care provider if the patient so requests.<sup>2</sup>

27  
 28 17. (New section) a. (1) <sup>2</sup>**[A]** Except as provided in section 19  
 29 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
 30 bill), a<sup>2</sup> person shall not be subject to civil or criminal liability or  
 31 professional disciplinary action for any action taken in compliance  
 32 with the provisions of <sup>2</sup>**[this act]** P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending  
 33 before the Legislature as this bill)<sup>2</sup>, including being present when a  
 34 qualified <sup>2</sup>terminally ill<sup>2</sup> patient <sup>2</sup>**[takes]** self-administers<sup>2</sup>  
 35 medication <sup>2</sup>**[to end the patient's life in a humane and dignified**  
 36 **manner]** prescribed<sup>2</sup> pursuant to <sup>2</sup>**[this act]** P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_)  
 37 (pending before the Legislature as this bill)<sup>2</sup>. A person who  
 38 substantially complies in good faith with the provisions of <sup>2</sup>**[this**  
 39 **act]** P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
 40 bill)<sup>2</sup> shall be deemed to be in compliance with <sup>2</sup>**[the act]** its  
 41 provisions<sup>2</sup>.

42 (2) Any action taken in accordance with the provisions of <sup>2</sup>**[this**  
 43 **act]** P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
 44 bill)<sup>2</sup> shall not constitute <sup>2</sup>patient abuse or neglect,<sup>2</sup> suicide,

1 assisted suicide, mercy killing, or homicide under any <sup>2</sup>**criminal**<sup>2</sup>  
2 law of this State.

3 (3) A patient's request for, or the provision of, medication in  
4 compliance with the provisions of <sup>2</sup>**[this act]** P.L. , c. (C. )  
5 (pending before the Legislature as this bill)<sup>2</sup> shall not <sup>2</sup>**constitute**  
6 neglect for any purpose of law or<sup>2</sup> provide the sole basis for the  
7 appointment of a guardian or conservator.

8 b. Any action taken by a health care professional to participate  
9 in <sup>2</sup>**[this act]** P.L. , c. (C. ) (pending before the  
10 Legislature as this bill)<sup>2</sup> shall be voluntary on the part of that  
11 individual. If a health care professional is unable or unwilling to  
12 carry out a patient's request under <sup>2</sup>**[this act]** P.L. , c. (C. )  
13 (pending before the Legislature as this bill)<sup>2</sup>, and the patient  
14 transfers <sup>2</sup>**[his]** the patient's<sup>2</sup> care to a new health care professional  
15 or health care facility<sup>2</sup>, the prior health care professional shall  
16 transfer, upon request, a copy of the patient's relevant records to the  
17 new health care professional or health care facility<sup>2</sup>.  
18

19 18. (New section) a. A person who, without authorization of  
20 the patient, and with the intent or effect of causing the patient's  
21 death,<sup>2</sup> willfully alters or forges a request for medication pursuant  
22 to <sup>2</sup>**[this act,]** P.L. , c. (C. ) (pending before the  
23 Legislature as this bill)<sup>2</sup> or conceals or destroys a rescission of that  
24 request <sup>2</sup>**[with the intent or effect of causing the patient's death]**<sup>2</sup>, is  
25 guilty of a crime of the second degree.

26 b. A person who coerces or exerts undue influence on a patient  
27 to request medication <sup>2</sup>**[to end the patient's life,]** pursuant to  
28 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>2</sup>  
29 or to destroy a rescission of a request <sup>2</sup>**[,]**<sup>2</sup> is guilty of a crime of  
30 the third degree.

31 c. Theft of medication prescribed to a qualified terminally ill  
32 patient pursuant to P.L. , c. (C. ) (pending before the  
33 Legislature as this bill) shall constitute an offense involving theft of  
34 a controlled dangerous substance as set forth in N.J.S.2C:20-2.

35 d.<sup>2</sup> Nothing in <sup>2</sup>**[this act]** P.L. , c. (C. ) (pending  
36 before the Legislature as this bill)<sup>2</sup> shall limit liability for civil  
37 damages resulting from the negligence or intentional misconduct of  
38 any person.

39 <sup>2</sup>**[d.] e.**<sup>2</sup> The penalties set forth in this section shall not  
40 preclude the imposition of any other criminal penalty applicable  
41 under law for conduct that is inconsistent with the provisions of  
42 <sup>2</sup>**[this act]** P.L. , c. (C. ) (pending before the Legislature  
43 as this bill)<sup>2</sup>.

1 19. (New section) Any governmental entity that incurs costs  
2 resulting from a <sup>2</sup>[person terminating his life] qualified terminally  
3 ill patient choosing to self-administer medication prescribed<sup>2</sup>  
4 pursuant to <sup>2</sup>[this act] P.L. , c. (C. ) (pending before the  
5 Legislature as this bill)<sup>2</sup> in a public place has a claim against the  
6 estate of the <sup>2</sup>[person] patient<sup>2</sup> to recover <sup>2</sup>[such] those<sup>2</sup> costs and  
7 reasonable attorneys' fees related to enforcing the claim.  
8

9 20. (New section) A <sup>2</sup>written<sup>2</sup> request for a medication as  
10 authorized by <sup>2</sup>[this act] P.L. , c. (C. ) (pending before  
11 the Legislature as this bill)<sup>2</sup> shall be in substantially the following  
12 form:  
13

14 REQUEST FOR MEDICATION TO END MY LIFE IN A  
15 HUMANE AND DIGNIFIED MANNER  
16

17 I, . . . . . , am an adult of sound mind and a resident  
18 of New Jersey.

19 I am suffering from . . . . . , which my attending  
20 physician has determined is a terminal <sup>2</sup>illness,<sup>2</sup> disease <sup>2</sup>, or  
21 condition<sup>2</sup> and which has been medically confirmed by a consulting  
22 physician.

23 I have been fully informed of my diagnosis, prognosis, the nature  
24 of medication to be prescribed and potential associated risks, the  
25 expected result, and the feasible alternatives, including palliative  
26 care, <sup>2</sup>comfort care,<sup>2</sup> hospice care, and pain control.

27 I request that my attending physician prescribe medication that I  
28 may self-administer to end my life in a humane and dignified  
29 manner and to contact any pharmacist <sup>2</sup>as necessary<sup>2</sup> to fill the  
30 prescription.  
31

32 INITIAL ONE:  
33

34 . . . . . I have informed my family of my decision and taken their  
35 opinions into consideration.

36 . . . . . I have decided not to inform my family of my decision.

37 . . . . . I have no family to inform of my decision.  
38

39 <sup>2</sup>INITIAL ALL THAT APPLY:  
40

41 . . . . . My attending physician has recommended that I  
42 participate in a consultation concerning additional treatment  
43 opportunities, palliative care, comfort care, hospice care, and pain  
44 control options, and provided me with a referral to a health care  
45 professional qualified to discuss these options with me.

1 . . . . . I have participated in a consultation concerning additional  
2 treatment opportunities, palliative care, comfort care, hospice care,  
3 and pain control options.

4 . . . . . I am currently receiving palliative care, comfort care, or  
5 hospice care.<sup>2</sup>

6  
7 I understand that I have the right to rescind this request at any  
8 time.

9 I understand the full import of this request <sup>2,2</sup> and I expect to die  
10 if and when I take the medication to be prescribed. I further  
11 understand that <sup>2,2</sup> although most deaths occur within three hours,  
12 my death may take longer and my physician has counseled me  
13 about this possibility.

14 I make this request voluntarily and without reservation, and I  
15 accept full <sup>2</sup>[moral]<sup>2</sup> responsibility for my <sup>2</sup>[actions] decision<sup>2</sup>.

16  
17 Signed: . . . . .

18  
19 Dated: . . . . .

20  
21 DECLARATION OF WITNESSES

22  
23 By initialing and signing below on or after the date the person  
24 named above signs, we declare that the person making and signing  
25 the above request:

26  
27 Witness 1      Witness 2  
28 Initials      Initials  
29 . . . . .      . . . . .

30 1. Is personally known to us or has provided proof of identity.  
31 . . . . .      . . . . .

32 2. Signed this request in our presence on the date of the person's  
33 signature.  
34 . . . . .      . . . . .

35 3. Appears to be of sound mind and not under duress, fraud, or  
36 undue influence.  
37 . . . . .      . . . . .

38 4. Is not a patient for whom either of us is the attending physician.  
39 . . . . .      . . . . .

40  
41 Printed Name of Witness 1: . . . . .

42 Signature of Witness 1/Date: . . . . .

43  
44 Printed Name of Witness 2: . . . . .

45 Signature of Witness 2/Date: . . . . .

46  
47 NOTE: At least one witness shall not be a relative by blood,  
48 marriage, or adoption of the person signing this request, shall not be



1 entitled to any portion of the person's estate upon death, and shall  
2 not own, operate, or be employed at a health care facility where the  
3 person is a patient or resident. If the patient is a resident of a long-  
4 term care facility, one of the witnesses shall be an individual  
5 designated by the facility.  
6

7 21. (New section) The Director of the Division of Consumer  
8 Affairs in the Department of Law and Public Safety, pursuant to the  
9 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
10 seq.), shall adopt such rules and regulations as are necessary to  
11 implement the provisions of sections 1 through 20 of <sup>2</sup>**[this act]**  
12 P.L. , c. (C. ) (pending before the Legislature as this  
13 bill)<sup>2</sup>, including the required reporting of information to the  
14 division by health care <sup>2</sup>**[providers]** professionals<sup>2</sup> pursuant to  
15 section <sup>2</sup>**[14]** 13<sup>2</sup> of <sup>2</sup>**[this act]** P.L. , c. (C. ) (pending  
16 before the Legislature as this bill)<sup>2</sup>.  
17

18 22. (New section) The State Board of Medical Examiners,  
19 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
20 (C.52:14B-1 et seq.), shall adopt such rules and regulations as are  
21 necessary to implement the provisions of sections 1 through 20 of  
22 P.L. , c. (C. ) (pending before the Legislature as this bill)  
23 concerning the duties of a licensed physician pursuant thereto.  
24

25 23. (New section) The New Jersey State Board of Pharmacy,  
26 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
27 (C.52:14B-1 et seq.), shall adopt such rules and regulations as are  
28 necessary to implement the provisions of sections 1 through 20 of  
29 P.L. , c. (C. ) (pending before the Legislature as this bill)  
30 concerning the duties of a licensed pharmacist pursuant thereto.  
31

32 24 New section) The State Board of Psychological Examiners,  
33 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
34 (C.52:14B-1 et seq.), shall adopt such rules and regulations as are  
35 necessary to implement the provisions of sections 1 through 20 of  
36 P.L. , c. (C. ) (pending before the Legislature as this bill)  
37 concerning the duties of a licensed psychologist pursuant thereto.  
38

39 25. (New section) a. As used in this section:

40 "Health care facility" or "facility" means a health care facility  
41 licensed pursuant to P.L.1971, c.,136 (C.26:2H-1 et seq.).

42 "Health care professional" means a person licensed to practice a  
43 health care profession pursuant to Title 45 of the Revised Statutes.

44 b. <sup>2</sup>**[A health care facility may adopt a written policy to**  
45 **prohibit a health care professional from taking]** (1) The existing  
46 policies and procedures utilized by a health care facility shall, to the  
47 maximum extent possible, govern the taking of<sup>2</sup> any action <sup>2</sup>by a

1 health care professional<sup>2</sup> pursuant to sections 1 through 20 of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill) on  
3 the premises owned by, or under the direct control of, the facility  
4 <sup>2</sup>if the facility has given prior written notice of the written policy  
5 to all health care professionals with privileges to practice on those  
6 premises , except as otherwise prescribed by regulation of the  
7 Commissioner of Health pursuant to paragraph (4) of this  
8 subsection.

9 (2) Any action taken by a health care facility to participate in  
10 P.L. , c. (C. ) (pending before the Legislature as this bill)  
11 shall be voluntary on the part of the facility.

12 (3) A health care facility shall not be subject to a licensure  
13 enforcement action by the Department of Health for any action  
14 taken in compliance with the provisions of P.L. , c. (C. )  
15 (pending before the Legislature as this bill).

16 (4) The Commissioner of Health, pursuant to the  
17 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
18 seq.), shall adopt such rules and regulations as are necessary to  
19 implement the provisions of sections 1 through 20 of P.L. ,  
20 c. (C. ) (pending before the Legislature as this bill),  
21 concerning their application to a health care facility and any action  
22 taken by a health care professional on the premises owned by, or  
23 under the direct control of, the facility<sup>2</sup>.

24 <sup>2</sup>(5)<sup>2</sup> The provisions of this subsection shall not preclude a  
25 <sup>2</sup>health care facility or<sup>2</sup> health care professional from providing to a  
26 patient any health care services to which the provisions of sections  
27 1 through 20 of P.L. , c. (C. ) (pending before the Legislature  
28 as this bill) do not apply.

29 <sup>2</sup>[c. A health care professional who violates a written policy as  
30 set forth in subsection b. of this section, after being notified in  
31 writing of that policy, is subject to such of the following actions as  
32 the health care facility deems appropriate:

33 (1) the loss of privileges or membership, or other sanctions  
34 provided under the medical staff bylaws, policies, and procedures of  
35 the facility if the health care professional is a member of the  
36 medical staff at the facility and takes the prohibited action while on  
37 the premises of that facility, but not including the private medical  
38 office of a physician or other provider; and

39 (2) the termination of a lease or other contract for the occupancy  
40 of real property or other nonmonetary remedy provided by the lease  
41 or contract if the health care professional takes the prohibited action  
42 while on the premises of the health care facility or on property that  
43 is owned by or under the direct control of the facility; provided,  
44 however, that no lease or other contract made on or after the  
45 effective date of this act shall authorize or permit any nonmonetary  
46 remedy for taking the prohibited action in the form of loss or

1 restriction of medical staff privileges or exclusion from a managed  
2 care plan health care provider network; or

3 (3) the termination of a contract or other nonmonetary remedy  
4 provided by contract if the health care professional takes the  
5 prohibited action while acting in the course and scope of that  
6 individual's capacity as an employee or independent contractor of  
7 the health care facility, except that nothing in this subparagraph  
8 shall preclude:

9 (a) a health care professional from taking the prohibited action  
10 while acting outside the course and scope of that individual's  
11 capacity as an employee or independent contractor; or

12 (b) a patient from contracting with the patient's attending  
13 physician and consulting physician to act outside the course and  
14 scope of either physician's capacity as an employee or independent  
15 contractor of the health care facility.

16 (4) A health care facility shall follow all otherwise applicable  
17 due process and other procedures that the facility may have in place  
18 relating to the imposition of sanctions on a health care  
19 professional. ]<sup>2</sup>

20

21 26. Section 1 of P.L.1991, c.270 (C.2A:62A-16) is amended to  
22 read as follows:

23 1. a. Any person who is licensed in the State of New Jersey to  
24 practice psychology, psychiatry, medicine, nursing, clinical social  
25 work, or marriage counseling, whether or not compensation is  
26 received or expected, is immune from any civil liability for a  
27 patient's violent act against another person or against himself unless  
28 the practitioner has incurred a duty to warn and protect the potential  
29 victim as set forth in subsection b. of this section and fails to  
30 discharge that duty as set forth in subsection c. of this section.

31 b. A duty to warn and protect is incurred when the following  
32 conditions exist:

33 (1) The patient has communicated to that practitioner a threat of  
34 imminent, serious physical violence against a readily identifiable  
35 individual or against himself and the circumstances are such that a  
36 reasonable professional in the practitioner's area of expertise would  
37 believe the patient intended to carry out the threat; or

38 (2) The circumstances are such that a reasonable professional in  
39 the practitioner's area of expertise would believe the patient  
40 intended to carry out an act of imminent, serious physical violence  
41 against a readily identifiable individual or against himself.

42 A duty to warn and protect shall not be incurred when a qualified  
43 terminally ill<sup>2</sup> patient requests medication that the patient may  
44 choose to<sup>2</sup> self-administer<sup>2</sup> in order to end the patient's life in a  
45 humane and dignified manner]<sup>2</sup> in accordance with the provisions  
46 of P.L. , c. (C. ) (pending before the Legislature as this bill).

47 c. A licensed practitioner of psychology, psychiatry, medicine,  
48 nursing, clinical social work, or marriage counseling shall discharge

1 the duty to warn and protect as set forth in subsection b. of this  
2 section by doing **any** one or more of the following:

3 (1) Arranging for the patient to be admitted voluntarily to a  
4 psychiatric unit of a general hospital, a short-term care facility, a  
5 special psychiatric hospital, or a psychiatric facility, under the  
6 provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.);

7 (2) Initiating procedures for involuntary commitment to  
8 treatment of the patient to an outpatient treatment provider, a short-  
9 term care facility, a special psychiatric hospital<sup>2,2</sup> or a psychiatric  
10 facility, under the provisions of P.L.1987, c.116 (C.30:4-27.1 et  
11 seq.);

12 (3) Advising a local law enforcement authority of the patient's  
13 threat and the identity of the intended victim;

14 (4) Warning the intended victim of the threat, or, in the case of  
15 an intended victim who is under the age of 18, warning the parent  
16 or guardian of the intended victim; or

17 (5) If the patient is under the age of 18 and threatens to commit  
18 suicide or bodily injury upon himself, warning the parent or  
19 guardian of the patient.

20 d. A practitioner who is licensed in the State of New Jersey to  
21 practice psychology, psychiatry, medicine, nursing, clinical social  
22 work, or marriage counseling who, in complying with subsection c.  
23 of this section, discloses a privileged communication, is immune  
24 from civil liability in regard to that disclosure.

25 (cf: P.L.2009, c.112, s.21)

26

27 27. N.J.S.2C:11-6 is amended to read as follows:

28 2C:11-6. <sup>1</sup>Aiding Suicide.<sup>1</sup> A person who purposely aids  
29 another to commit suicide is guilty of a crime of the second degree  
30 if his conduct causes such suicide or an attempted suicide, and  
31 otherwise of a crime of the fourth degree. Any action taken in  
32 accordance with the provisions of P.L. , c. (C. ) (pending  
33 before the Legislature as this bill) shall not constitute suicide or  
34 assisted suicide.

35 (cf: P.L.1978, c.95, s.2C:11-6)

36

37 <sup>1</sup>**[28. This act shall be submitted to the people for their approval**  
38 **or rejection at the next general election to be held at least 70 days**  
39 **following the date of its enactment for the purpose of complying**  
40 **with Article II, Section I, paragraph 2 of the New Jersey**  
41 **Constitution.]<sup>1</sup>**

42

43 <sup>1</sup>**[29. This voter referendum shall be submitted to the people in**  
44 **the following manner and form:**

45 There shall be printed on each official ballot to be used at the  
46 general election, the following:

1 a. In every municipality in which voting machines are not used,  
2 a legend which shall immediately precede the question as follows:

3 If you favor the proposition printed below make a cross (X), plus  
4 (+), or check (✓) in the square opposite the word "Yes." If you are  
5 opposed thereto make a cross (X), plus (+) or check (✓) in the  
6 square opposite the word "No."

7 b. In every municipality the following question:  
8

YES	<p style="text-align: center;"><b>AUTHORIZATION TO ALLOW CERTAIN PERSONS TO USE MEDICATION TO END THEIR LIFE IN A HUMANE AND DIGNIFIED WAY</b></p> <p>Do you approve allowing an adult who is able to make health care decisions and has a terminal disease that will cause death within six months to use a prescribed drug to end his life in a humane and dignified way?</p>
NO	<p style="text-align: center;"><b>INTERPRETIVE STATEMENT</b></p> <p>Voter approval of P. L. , c. (C. ) (pending before the Legislature as this bill) will permit an adult who is able to make health care decisions and has a terminal disease that will cause death within six months to use a prescribed drug to end his life in a humane and dignified way. <b>1</b></p>

9  
10 <sup>1</sup>~~[30.]~~ 28.<sup>1</sup> This act shall take effect on the first day of the  
11 <sup>1</sup>~~[third]~~ fourth<sup>1</sup> month next following <sup>1</sup>~~[voter approval of this act~~  
12 ~~at the designated general election]~~ the date of enactment, but the  
13 Director of the Division of Consumer Affairs in the Department of  
14 Law and Public Safety, the Commissioner of Health, the State  
15 Board of Medical Examiners, the New Jersey State Board of  
16 Pharmacy, and the State Board of Psychological Examiners may  
17 take such anticipatory administrative action in advance thereof as  
18 shall be necessary for the implementation of this act<sup>1</sup>.