

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 691

Short Title: Unlawful to Assist Another to Commit Suicide. (Public)

Sponsors: Senators Sanderson, Brock, Cook (Primary Sponsors); Barefoot, Daniel, Jackson, Meredith, Newton, Rabin, and Soucek.

Referred to: Health Care.

April 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT UNLAWFUL TO ASSIST ANOTHER TO COMMIT SUICIDE.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Chapter 14 of the General Statutes is amended by adding a new
5 section to read:

6 "**§ 14-17.2. Assisted suicide.**

7 (a) Definition. – As used in this section, "suicide" means the intentional and willful
8 termination of one's own life.

9 (b) Unlawful to Assist Suicide. – It is unlawful for any person who knows that another
10 individual intends to commit suicide to do any of the following with the intent to assist that
11 individual to commit suicide:

12 (1) Provide the means by which the individual attempts to commit suicide or
13 does commit suicide;

14 (2) Participate in an act by which the individual attempts to commit suicide or
15 does commit suicide; or

16 (3) Help the individual plan to commit suicide.

17 (c) Withholding or Withdrawing Medical Treatment. – This section does not apply to
18 withholding or withdrawing medical treatment. It is not unlawful to administer, prescribe, or
19 dispense medications or procedures, by or at the direction of a licensed health care professional,
20 for the purpose of alleviating another person's pain or discomfort, even if the medication or
21 procedure may increase the risk of death as long as the medication or procedure is not also
22 intentionally administered, prescribed, or dispensed for the purpose of causing death or the
23 purpose of assisting in causing death for any reason.

24 (d) Injunctive Relief. – The court may grant injunctive relief under this subsection
25 against any person who is reasonably believed to be about to violate or who is in the course of
26 violating subsection (b) of this section. Such an injunction shall legally prevent the person from
27 assisting any suicide in the State regardless of who is being assisted. Any of the following
28 persons may apply to the court for an injunction under this subsection:

29 (1) The spouse, parent, child, or sibling of the person who would commit
30 suicide.

31 (2) A person entitled to inherit from the person who would commit suicide.

32 (3) A current or former health care provider of the person who would commit
33 suicide.

34 (4) A legally appointed guardian or conservator of the person who would
35 commit suicide.



1 (5) A public official with appropriate jurisdiction to prosecute or enforce the
2 laws of this State.

3 (e) Civil Damages. – Any person with standing under subsection (d) of this section or
4 the person who would have committed suicide, in the case of an attempt, may maintain a cause
5 of action for compensatory damages and punitive damages, pursuant to Chapter 1D of the
6 General Statutes, against any person who violates or attempts to violate subsection (b) of this
7 section. An action under this section may be brought whether or not the plaintiff had prior
8 knowledge of the violation or attempt.

9 (f) Attorneys' Fees. – In any action or proceeding brought pursuant to subsection (d) or
10 (e) of this section, the court shall allow a prevailing plaintiff a reasonable attorneys' fee as part
11 of its costs. If the defendant prevails, and the court finds that the action or proceeding was
12 brought frivolously or in bad faith, the court shall allow the defendant a reasonable attorneys'
13 fee as a part of its costs.

14 (g) Suspension or Revocation of License. – The licensing agency which issued a license
15 or certification to a licensed health care professional who assists in a suicide in violation of
16 subsection (b) of this section may revoke or suspend the license or certification of that person
17 upon receipt of:

18 (1) A copy of the record of criminal conviction or plea of guilty for a felony in
19 violation of subsection (b) of this section;

20 (2) A copy of the record of a judgment of contempt of court for violating an
21 injunction issued under subsection (d) of this section; or

22 (3) A copy of the record of a judgment assessing damages under subsection (e)
23 of this section."

24 **SECTION 2.** Severability clause. If any one or more provisions, sections,
25 subsections, sentences, clauses, phrases, or words of this act or the application thereof to any
26 person or circumstance are found to be unconstitutional, the same is hereby declared to be
27 severable, and the balance of this act shall remain effective notwithstanding such
28 unconstitutionality. The legislature hereby declares that it would have passed this act, and each
29 provision, section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact
30 that any one or more provisions, sections, subsections, sentences, clauses, phrases, or words be
31 declared unconstitutional.

32 **SECTION 3.** This act becomes effective December 1, 2013, and applies to
33 offenses committed on or after that date.