A BILL TO BE ENTITLED
AN ACT REQUIRING THE NORTH CAROLINA MEDICAL BOARD TO
IMPLEMENT POLICIES TO TRAIN AND EDUCATE PERSONS LICENSED TO
PRACTICE OR PERSONS DESIRING TO PRACTICE MEDICINE IN THIS
STATE ON ISSUES RELATED TO PHYSICIAN-ASSISTED SUICIDE AND
CREATING THE CRIMINAL OFFENSE OF PHYSICIAN-ASSISTED SUICIDE.

The General Assembly of North Carolina enacts:

SECTION 1. The North Carolina Medical Board shall implement the
following policies:

(1) Encourage persons licensed to practice medicine in this State to
receive continuing education from the North Carolina Medical Society
on the topic of pain management.

(2) Encourage all schools of medicine in this State to develop a curriculum
and train students regarding pain management, palliative care, and the
use of hospice care.

(3) Advise persons licensed to practice medicine in this State of the
Board's policies relating to prescribing adequate amounts of medicine
to patients with terminal diseases.

SECTION 2. Article 6 of Chapter 14 of the General Statutes is amended by
adding a new section to read:

"§ 14-17.2. Physician-assisted suicide.
(a) The following definitions apply in this section:
(1) Licensed health care professional. – A duly licensed physician,
surgeon, podiatrist, osteopath, osteopathic physician, osteopathic
surgeon, optometrist, chiropractor, physician assistant, nurse, dentist,
or pharmacist.
(2) Physician-assisted suicide. – The act of a licensed health care
professional participating in a medical procedure or willfully
prescribing any drug, compound, or substance for the express purpose
of assisting a patient to intentionally end the patient's life. The term
does not include a person's participating in the execution of a person
sentenced by a court to death by lethal injection.

(b) It is unlawful for any licensed health care professional to commit the offense
of physician-assisted suicide.

(c) Any licensed health care professional who violates this section is guilty of a
Class D felony.

(d) None of the following shall be construed as a violation of this section:
(1) Carrying out the provisions of advanced directives or living wills.
(2) The withholding or withdrawing of a life-sustaining procedure or
compliance with any other State or federal law authorizing withdrawal
or refusal of medical treatments or procedures.
(3) The administering, prescribing, or dispensing of medications or
procedures, by or at the direction of a licensed health care professional,
for the purpose of alleviating another person's pain or discomfort, even
if the medication or procedure may increase the risk of death as long as
the medication or procedure is not also intentionally administered,
prescribed, or dispensed for the purpose of causing death or the
purpose of assisting in causing death for any reason.
(4) The administering, prescribing, or dispensing of medications or
procedures to a patient diagnosed with a medical condition that
includes an element of suicidal ideation, even if the medication or
procedure may increase the risk of death, as long as the medication or
procedure is not also intentionally administered, prescribed, or
dispensed for the purpose of causing death or the purpose of assisting
in causing death for any reason.

SECTION 3. This act becomes effective December 1, 2003, and applies to
offenses committed on or after that date.