



2023 SENATE BILL 739

December 8, 2023 - Introduced by Senators HESSELBEIN, AGARD, CARPENTER, TAYLOR, ROYS and SPREITZER, cosponsored by Representatives OHNSTAD, BARE, JOERS, PALMERI, SNODGRASS, EMERSON, JACOBSON, CONLEY, STUBBS, SINICKI, SUBECK and CLANCY. Referred to Committee on Health.

- 1 **AN ACT** *to create* chapter 156 and 979.01 (1j) of the statutes; **relating to:**
2 permitting certain qualified individuals to make a request for medication for
3 the purpose of ending their lives and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill permits an individual who is at least 18 years of age, mentally capable, and has a terminal disease with a prognosis of less than six months to live to voluntarily request a prescription for medication for the purpose of ending his or her life. Under the bill, “terminal disease” means an incurable and irreversible disease that has been medically confirmed and will, within reasonable medical judgment, produce death within six months. The bill authorizes the individual’s attending provider to issue a prescription for the medication if specified requirements are met. Under the bill, an attending or consulting provider must be a licensed physician, an advanced practice registered nurse, or a physician assistant. Death following self-administering medication in accordance with the requirements of the bill does not alone constitute grounds for post-mortem inquiry and such a death may not be designated as suicide or homicide.

The bill requires that the Department of Health Services develop and distribute certain standard forms to be used for reporting by attending providers in the context of requests for medication under the provisions of the bill.

The bill establishes certain requirements that must be met before an attending provider may issue a prescription in response to an individual’s request for a prescription for medication to end his or her life. With certain exceptions for an

SENATE BILL 739

individual who is determined to be within 15 days of death, a qualified individual must make an oral request and a written request and reiterate the oral request to his or her attending provider no less than 15 days after making the initial oral request. The oral and written requests for medical aid in dying may only be made by the requesting individual and not by any surrogate decision-maker, health care proxy, attorney-in-fact for health care, or through an advance health care directive. The written request must be substantially in the form provided in the bill. It must be signed and dated by the individual and witnessed by at least one individual who meets certain qualifications and attests that the individual is capable, acting voluntarily, and is not being coerced or unduly influenced to sign the request.

The bill requires an attending provider to comply with certain requirements with respect to requests for medication under the bill, including 1) determining whether an individual has a terminal disease with a prognosis of six months or less to live and is mentally capable; 2) confirming that the individual's request does not arise from coercion or undue influence; 3) informing the individual of certain information specified in the bill, including the potential risks, benefits, and probable result of self-administering the prescribed medication; 4) informing the individual that there is no obligation to fill the prescription nor an obligation to self-administer the medication, even if obtained; 6) providing a referral for comfort care, palliative care, hospice care, pain control, or other end-of-life treatment options as requested or as medically indicated; 7) referring the individual to a consulting provider for medical confirmation that the individual requesting medication under the bill both has a terminal disease with a prognosis of six months or less to live and is mentally capable; and 8) before providing a prescription, confirming that the individual has made an informed decision to obtain medication under the bill, offering the individual an opportunity to rescind the request, and educating the individual on the recommended procedure for self-administration of the medication, the safe-keeping and proper disposal of unused medication, the importance of having another person present when the person self-administers the medication, and not taking the medication in a public place. Under the bill, a consulting provider must evaluate an individual making a request for medication under the provisions of the bill and confirm, in writing, to the attending provider that the individual has a terminal disease with a prognosis of six months or less to live; that the individual is mentally capable or that the consulting provider has referred the individual to a licensed mental health provider for further evaluation; and that the individual is acting voluntarily, free from coercion or undue influence. The bill requires that if either the attending provider or the consulting provider is unable to confirm that the individual is capable of making an informed decision, the attending provider or the consulting provider must refer the individual to a licensed mental health provider for determination regarding mental capability.

The bill specifies that a provider may choose whether or not to practice medical aid in dying under the provisions of the bill, but if a provider is unable or unwilling to fulfill an individual's request for medication under the bill, the provider must still document the date of the individual's request in the patient's medical record and, if requested, transfer the individual's medical records to a new provider. The bill also

SENATE BILL 739**SECTION 1**

1 **156.03 Definitions.** In this chapter:

2 **(1)** “Adult” means an individual who is 18 years of age or older.

3 **(2)** “Attending provider” means the provider who has primary responsibility
4 for the care of an individual and treatment of that individual’s terminal disease.

5 **(3)** “Coercion or undue influence” means the willful attempt, whether by
6 deception, intimidation, or any other means, to do any of the following:

7 (a) Cause an individual to request, obtain, or self-administer medication under
8 this chapter with intent to cause the death of the individual.

9 (b) Prevent a qualified individual from obtaining or self-administering
10 medication under this chapter.

11 **(4)** “Consulting provider” means a provider who is qualified by specialty or
12 experience to make a professional diagnosis and prognosis regarding an individual’s
13 disease.

14 **(5)** “Department” means the department of health services.

15 **(6)** “Health care facility” means a general hospital, medical clinic, nursing
16 home, or in-patient hospice facility or any other entity regulated under ch. 50. A
17 health care facility does not include individual providers.

18 **(7)** “Informed decision” means a decision by a qualified individual to request
19 and obtain a prescription for medication under this chapter that the qualified
20 individual may self-administer to bring about his or her peaceful death, after being
21 fully informed by the individual’s attending provider of all of the following:

22 (a) The individual’s diagnosis and prognosis.

23 (b) The potential risks associated with taking the medication to be prescribed.

24 (c) The probable result of taking the medication to be prescribed.

SENATE BILL 739

1 (d) The feasible end-of-life care and treatment options for the individual's
2 terminal disease, including comfort care, palliative care, hospice care, and pain
3 control, and the risks and benefits of each.

4 (e) The individual's right to withdraw a request under this chapter or consent
5 for any other treatment at any time.

6 **(8)** Notwithstanding sub. (13), "licensed mental health care provider" means
7 a psychiatrist, psychologist, clinical social worker, psychiatric nurse practitioner,
8 clinical mental health counselor, or clinical professional counselor licensed, certified,
9 or otherwise credentialed in this state.

10 **(9)** "Medical aid in dying" means the practice of evaluating a request,
11 determining qualification, and providing a prescription to a qualified individual
12 under this chapter.

13 **(10)** "Medically confirmed" means that a consulting provider, after performing
14 a medical evaluation, has confirmed an attending provider's medical opinion that an
15 individual is eligible to receive medication under this chapter.

16 **(11)** "Mentally capable" means that in the opinion of an attending provider or
17 consulting provider, or a licensed mental health care provider if a determination is
18 requested under s. 156.17, an individual requesting medication under this chapter
19 has the ability to make and communicate an informed decision.

20 **(12)** "Prognosis of 6 months or less" means an individual's terminal disease
21 will, within reasonable medical judgment, result in the death of that individual
22 within 6 months.

23 **(13)** "Provider" means a person licensed, certified, or otherwise authorized or
24 permitted by this state to diagnose and treat medical conditions and prescribe and

SENATE BILL 739**SECTION 1**

1 dispense medication, including controlled substances, but does not include a health
2 care facility. Provider includes any of the following:

3 (a) A physician licensed under ch. 448.

4 (b) An advanced practice registered nurse, as defined in s. 154.01 (1g).

5 (c) A physician assistant licensed under subch. IX of ch. 448.

6 (14) "Qualified individual" means a mentally capable adult who has satisfied
7 the requirements of this chapter in order to obtain a prescription for medication to
8 bring about a peaceful death. No person will be considered a "qualified individual"
9 under this chapter solely because of advanced age or disability.

10 (15) "Self-administer" means a qualified individual performs an affirmative,
11 conscious, and voluntary act to ingest medication prescribed under this chapter to
12 bring about the individual's peaceful death. Self-administration does not include
13 administration by intravenous or other parenteral injection or infusion.

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

17 **156.05 Informed consent.** (1) Nothing in this chapter may be construed to
18 limit the information a provider must provide to an individual in order to comply
19 with the medical standard of care and with informed consent requirements under
20 state law.

21 (2) If a provider is unable or unwilling to fulfill a request for medication under
22 this chapter, the provider shall proceed as required under s. 156.21 (2).

23 (3) Failure by a provider to provide information about medical aid in dying to
24 an individual who requests it, or failure to refer the individual to another provider

SENATE BILL 739

1 who can provide the information upon request, shall constitute a failure to obtain
2 informed consent for subsequent medical treatments.

3 **156.07 Standard of care.** (1) Care that complies with the requirements of
4 this chapter meets the medical standard of care.

5 (2) Nothing in this chapter exempts a provider or other medical personnel from
6 meeting the medical standard of care for the treatment of individuals with a terminal
7 disease.

8 **156.09 Qualification.** (1) A mentally capable adult with a terminal disease
9 and a prognosis of 6 months or less may request a prescription for medication under
10 this chapter. A qualified individual shall have made an oral request and a written
11 request, and reiterated the oral request to the individual's attending provider no less
12 than 15 days after making the initial oral request.

13 (2) The attending provider and consulting provider of a qualified individual
14 shall have met each of their respective requirements as set forth in ss. 156.13 and
15 156.15.

16 (3) Notwithstanding sub. (1), if an individual's attending provider has
17 medically determined that the individual will, within reasonable medical judgment,
18 die within 15 days after making an initial oral request under sub. (1), the 15-day
19 waiting period set forth in sub. (1) is waived and the individual may reiterate the oral
20 request to the attending provider as required under sub. (1) at any time after making
21 the initial oral request.

22 (4) At the time an individual makes the second oral request under sub. (1), the
23 individual's attending provider shall offer the individual an opportunity to rescind
24 the request.

SENATE BILL 739**SECTION 1**

1 (5) Oral and written requests under sub. (1) for medical aid in dying may be
2 made only by the requesting individual and may not be made by the individual's
3 surrogate decision-maker, health care proxy, attorney-in-fact for health care, or
4 through an advance health care directive.

5 (6) If an individual decides to transfer care to another provider, the former
6 provider shall transfer all relevant medical records, including written
7 documentation of the date of the individual's request or requests concerning medical
8 aid in dying.

9 **156.11 Form of written request.** (1) A valid written request for medication
10 under this chapter shall be signed and dated by the requesting individual and
11 witnessed by at least one person who, in the presence of the requesting individual,
12 attests that, to the best of the witness's knowledge and belief, the individual is
13 capable, acting voluntarily, and is not being coerced nor unduly influenced to sign the
14 request.

15 (2) The witness required under this section must be a person who is not any
16 of the following:

17 (a) A relative of the requesting individual by blood, marriage, or adoption.

18 (b) A person who, at the time the request is signed, would be entitled to any
19 portion of the estate of the requesting individual upon death under any will or by
20 operation of law.

21 (c) An owner, operator, or employee of a health care facility where the
22 requesting individual is receiving medical treatment or is a resident.

23 (3) The requesting individual's attending provider at the time the request is
24 signed may not be a witness.

25 (4) The requesting individual's interpreter may not be a witness.

SENATE BILL 739

1 (5) The written request for medication shall be in substantially the following
2 form:

3 REQUEST FOR MEDICATION
4 TO END MY LIFE IN A
5 PEACEFUL MANNER

6 I, (insert name), am an adult of sound mind. I have been diagnosed with
7 (insert description of terminal disease), and given a prognosis of 6 months or less to
8 live.

9 I have been fully informed of the feasible alternative, concurrent, or additional
10 treatment opportunities for my terminal disease, including comfort care, palliative
11 care, hospice care, or pain control, and the potential risks and benefits of each. I have
12 been offered or received resources or referrals to pursue these alternative,
13 concurrent, or additional treatment opportunities for my terminal disease.

14 I have been fully informed of the nature of the medication to be prescribed and
15 the risks and benefits, including that the likely outcome of self-administering the
16 medication is death. I understand that I can rescind this request at any time and that
17 I am under no obligation to fill the prescription once written nor to self-administer
18 the medication if I obtain it.

19 I request that my attending provider furnish a prescription for medication that
20 will end my life in a peaceful manner if I choose to self-administer it, and I authorize
21 my attending provider to contact a pharmacist to dispense the prescription at a time
22 of my choosing.

23 I make this request voluntarily, free from coercion or undue influence.

24 Signed:

25 Dated:

SENATE BILL 739**SECTION 1**

1 Witness Signature:

2 Dated:

3 **156.13 Attending provider responsibilities. (1)** The attending provider
4 for an individual shall do all of the following with regard to requests for medication
5 under this chapter:

6 (a) Determine whether the individual has a terminal disease with a prognosis
7 of 6 months or less and is mentally capable.

8 (b) Confirm that the individual's request for medication under this chapter does
9 not arise from coercion or undue influence by asking the individual about coercion
10 and influence outside the presence of other persons, except for an interpreter if
11 necessary.

12 (c) Inform the individual of all of the following:

13 1. The individual's diagnosis.

14 2. The individual's prognosis.

15 3. The potential risks, benefits, and probable result of self-administering the
16 prescribed medication to bring about a peaceful death.

17 4. The potential benefits and risks of feasible alternatives, including
18 concurrent or additional treatment options for the individual's terminal disease,
19 palliative care, comfort care, hospice care, and pain control.

20 5. The individual's right to rescind the request for medication under this
21 chapter at any time and in any manner.

22 (d) Inform the individual that there is no obligation to fill the prescription nor
23 an obligation to self-administer the medication if it is obtained.

SENATE BILL 739

1 (e) Provide the individual with a referral for comfort care, palliative care,
2 hospice care, pain control, or any other end-of-life treatment option as requested or
3 as clinically indicated.

4 (f) Refer the individual to a consulting provider for medical confirmation that
5 the individual requesting medication under this chapter both has a terminal disease
6 with a prognosis of 6 months or less and is mentally capable.

7 (g) Include the consulting provider's written determination, as provided under
8 s. 156.15, in the individual's medical record.

9 (h) Refer the individual to a licensed mental health care provider if the
10 attending provider observes signs that the individual may not be capable of making
11 an informed decision.

12 (i) Include the licensed mental health care provider's written determination,
13 as provided under s. 156.17, in the individual's medical record if such determination
14 was requested.

15 (j) Inform the individual of the benefits of notifying next of kin of the
16 individual's decision to request medication under this chapter.

17 (k) Fulfill all medical record documentation requirements.

18 (L) Ensure that all procedures required in order to fulfill a request for
19 medication under this chapter are followed before providing a prescription to a
20 qualified individual for medication under this chapter, including all of the following:

21 1. Confirm that the individual has made an informed decision to obtain a
22 prescription for medication under this chapter.

23 2. Offer the individual an opportunity to rescind the request for medication
24 under this chapter.

SENATE BILL 739**SECTION 1**

1 3. Educate the individual on the recommended procedure for
2 self-administering the medication to be prescribed; the safekeeping and proper
3 disposal of unused medication in accordance with state and federal law; the
4 importance of having another person present when the individual self-administers
5 the medication to be prescribed; and not taking the medication in a public place.

6 (m) Deliver the prescription personally, by mail, or through an authorized
7 electronic transmission to a licensed pharmacist who will dispense the medication,
8 including any ancillary medications, to the attending provider, to the qualified
9 individual, or to an individual expressly designated by the qualified individual in
10 person or with a signature required on delivery, by mail service or by messenger
11 service, or, if authorized by the federal drug enforcement agency, dispense the
12 prescribed medication, including any ancillary medications, to the qualified
13 individual or an individual expressly designated by the qualified individual in
14 person.

15 (n) Document in the qualified individual's medical record the individual's
16 diagnosis and prognosis, determination of mental capability, the date of the oral
17 request or requests, a copy of the written request, a notation that the requirements
18 under this chapter have been completed, and identification of the medication and
19 ancillary medications prescribed to the qualified individual under this chapter.

20 (2) Notwithstanding any other provision of law, the attending provider may
21 sign the individual's death certificate.

22 **156.15 Consulting provider responsibilities.** A consulting provider for an
23 individual shall do all of the following with regard to requests for medication under
24 this chapter:

25 (1) Evaluate the individual and the individual's relevant medical records.

SENATE BILL 739

1 (2) Confirm, in writing, to the individual's attending provider that all of the
2 following are true:

3 (a) The individual has a terminal disease with prognosis of 6 months or less.

4 (b) The individual is mentally capable. If the consulting provider is unable to
5 confirm that the individual is mentally capable, the consulting provider shall provide
6 documentation that the consulting provider has referred the individual for further
7 evaluation in accordance with s. 156.17.

8 (c) The individual is acting voluntarily, free from coercion or undue influence.

9 **156.17 Referral for confirmation that the requesting individual is**
10 **mentally capable.** (1) If either an attending provider or a consulting provider is
11 unable to confirm that an individual making a request for medication under this
12 chapter is capable of making an informed decision, the attending provider or the
13 consulting provider shall refer the individual to a licensed mental health care
14 provider for determination regarding mental capability.

15 (2) The licensed mental health care provider who evaluates the individual
16 under this section shall submit to the requesting attending provider or consulting
17 provider a written determination of whether the individual is mentally capable.

18 (3) If the licensed mental health care provider determines that the individual
19 is not mentally capable, the individual may not be deemed a qualified individual and
20 the attending provider may not prescribe medication to the individual under this
21 chapter.

22 **156.19 Safe disposal of unused medications.** A person who has custody or
23 control of medication prescribed under this chapter after a qualified individual's
24 death shall dispose of the medication by lawful means in accordance with state and
25 federal guidelines.

SENATE BILL 739**SECTION 1**

1 **156.21 No duty to provide medical aid in dying.** (1) A provider shall
2 provide sufficient information to an individual with a terminal disease regarding
3 available options, the alternatives, and the foreseeable risks and benefits of each
4 option so that the individual is able to make informed decisions regarding his or her
5 end-of-life health care, but a provider may choose whether or not to practice medical
6 aid in dying under this chapter.

7 (2) If a provider is unable or unwilling to fulfill an individual's request for
8 medication under this chapter, the provider shall do all of the following:

9 (a) Document the date of the individual's request in the individual's medical
10 record.

11 (b) Upon the individual's request, transfer the individual's medical records to
12 the new provider, consistent with federal and state law.

13 (3) A provider may not engage in false, misleading, or deceptive practices
14 relating to the provider's willingness to qualify an individual or provide a
15 prescription to a qualified individual under this chapter. Intentionally misleading
16 an individual constitutes coercion or undue influence.

17 **156.23 Health care facility permissible prohibitions and duties.** (1) A
18 health care facility may prohibit providers from qualifying, prescribing, or
19 dispensing medication under this chapter while performing duties for the facility.
20 A prohibiting facility must provide express advance notice in writing at the time of
21 hiring, contracting with, or privileging providers and staff, and on a yearly basis
22 thereafter. A health care facility that fails to provide advance notice in writing
23 waives the right to enforce any prohibition.

24 (2) If an individual who is a patient at a prohibiting health care facility, as
25 described under sub. (1), and who has made a request concerning medical aid in

SENATE BILL 739

1 dying wishes to transfer care to another health care facility, the prohibiting facility
2 shall coordinate a timely transfer, including transfer of the individual's medical
3 records that include notation of the date the individual first made a request
4 concerning medical aid in dying.

5 (3) No health care facility may prohibit a provider from doing any of the
6 following in fulfilling the requirements of informed consent and meeting the medical
7 of standard of care:

8 (a) Providing information to an individual regarding the individual's health
9 status, including diagnosis, prognosis, recommended treatment, treatment
10 alternatives, and any potential risks to the individual's health.

11 (b) Providing information about available services, including health care
12 services available under this chapter, information about relevant community
13 resources, and information about how to access those resources to obtain the care of
14 the individual's choice.

15 (c) Prescribing medication under this chapter for a qualified individual outside
16 the scope of the provider's employment or contract with the prohibiting facility and
17 off the premises of the prohibiting facility.

18 (d) Being present when a qualified individual self-administers medication
19 prescribed under this chapter or at the time of death, if requested by the qualified
20 individual or his or her representative and if outside the scope of the provider's
21 employment or contractual duties with the prohibiting facility.

22 (4) A health care facility may not engage in false, misleading, or deceptive
23 practices relating to its policy regarding end-of-life care services, including whether
24 it has a policy that prohibits affiliated providers from determining an individual's
25 qualification for medical aid in dying or writing a prescription for a qualified

SENATE BILL 739**SECTION 1**

1 individual under this chapter. A health care facility may not intentionally deny an
2 individual access to medication under this chapter by failing to transfer an
3 individual and the individual's medical records to another provider in a timely
4 manner. Intentionally misleading an individual or deploying misinformation to
5 obstruct access to services under this chapter constitutes coercion or undue
6 influence.

7 (5) If any part of this chapter is found to be in conflict with federal requirements
8 that are a prescribed condition for the receipt of federal funds, the conflicting part
9 of this chapter is inoperative solely to the extent of the conflict with respect to the
10 facility directly affected, and such finding or determination does not affect the
11 operation of the remainder of the chapter.

12 **156.25 Immunities for actions in good faith; prohibition against**
13 **reprisals. (1)** No person or health care facility shall be subject to civil or criminal
14 liability or professional disciplinary action, including censure, suspension, loss of
15 license, loss of privileges, loss of membership, or any other penalty, for engaging in
16 good faith compliance with this chapter.

17 (2) No provider, health care facility, professional organization, or association
18 shall subject a provider to discharge, demotion, censure, discipline, suspension, loss
19 of license, loss of privileges, loss of membership, discrimination, or any other penalty
20 for providing medical aid in dying in accordance with the medical standard of care
21 and in good faith under this chapter, except if a provider acts in violation of a health
22 care facility's valid prohibition or prohibitions under s. 156.23.

23 (3) No provider, health care facility, professional organization, or association
24 shall subject a provider to discharge, demotion, censure, discipline, suspension, loss
25 of license, loss of privileges, loss of membership, discrimination, or any other penalty

SENATE BILL 739

1 for providing medical aid in dying in accordance with the medical standard of care
2 and in good faith under this chapter while engaged in the outside practice of medicine
3 and off the facility premises or for providing scientific and accurate information
4 about medical aid in dying to an individual when discussing end-of-life care options.

5 (4) An individual is not subject to civil or criminal liability or professional
6 discipline if, at the request of a qualified individual, the individual is present outside
7 the scope of the individual's employment contract and off the facility premises when
8 the qualified individual self-administers medication under this chapter or at the
9 time of death. An individual who is present may, without civil or criminal liability,
10 assist the qualified individual by preparing the medication prescribed under this
11 chapter.

12 (5) A request by an individual for and the provision of medication under this
13 chapter alone does not constitute neglect or elder abuse for any purpose of law, nor
14 shall it be the sole basis for appointment of a guardian or conservator.

15 (6) This chapter does not limit civil liability for intentional or negligent
16 misconduct.

17 **156.27 Reporting requirements.** (1) The department shall create a
18 checklist form and a follow-up form for attending providers to facilitate collection of
19 the information described in this chapter and post these forms to the department's
20 Internet site.

21 (2) Within 30 calendar days of providing a prescription for medication under
22 this chapter, an attending provider shall submit to the department a completed
23 checklist form, as provided under sub. (1), with all of the following information:

24 (a) The qualified individual's name and date of birth.

25 (b) The qualified individual's terminal diagnosis and prognosis.

SENATE BILL 739**SECTION 1**

1 (c) Notice that the requirements under this chapter have been completed.

2 (d) Notice that medication has been prescribed under this chapter.

3 **(3)** Within 60 calendar days of notification of a qualified individual's death from
4 self-administration of medication prescribed under this chapter, the attending
5 provider shall submit to the department a follow up form, as provided under sub. (1),
6 with all of the following information:

7 (a) The qualified individual's name and date of birth.

8 (b) The date of the qualified individual's death.

9 (c) A notation of whether or not the qualified individual was enrolled in hospice
10 services at the time of the qualified individual's death.

11 **(4)** The department shall annually review a sample of records related to
12 requests under this chapter to ensure compliance and issue a public statistical
13 report. The report shall not include any identifying information and shall be limited
14 to the following statistical information:

15 (a) The number of prescriptions for medication written under this chapter.

16 (b) The number of providers who wrote prescriptions for medication under this
17 chapter.

18 (c) The number of qualified individuals who died following self-administration
19 of medication prescribed and dispensed under this chapter.

20 **(5)** Except as otherwise required by law, the information collected by the
21 department that is related to requests under this chapter is not a public record and
22 is not available for public inspection under s. 19.35.

23 **(6)** Willful failure or refusal to timely submit records required under this
24 chapter nullifies protections under s. 156.25.

SENATE BILL 739

1 **156.29 Effect on construction of will, contracts, and statutes.** (1) No
2 provision in a contract, will, or other agreement, whether written or oral, that would
3 determine whether an individual may make or rescind a request under this chapter
4 is valid.

5 (2) No obligation owing under any existing contract may be conditioned or
6 affected by an individual's act of making or rescinding a request under this chapter.

7 (3) It is unlawful for an insurer to deny or alter health care benefits otherwise
8 available to an individual with a terminal disease based on the availability of
9 medical aid in dying or to otherwise attempt to coerce an individual with a terminal
10 disease to make a request for medical aid-in-dying medication.

11 **156.31 Insurance or annuity policies.** (1) Neither the sale, procurement,
12 or issuance of a life, health, or accident insurance policy or an annuity policy nor the
13 rate charged for such a policy may be conditioned upon or affected by an individual's
14 act of making or rescinding a request for medication under this chapter.

15 (2) A qualified individual's act of self-administering medication under this
16 chapter does not invalidate any part of a life, health, or accident insurance policy or
17 an annuity policy.

18 (3) An insurance plan, including the Medical Assistance program under subch.
19 IV of ch. 49, may not deny or alter benefits to an individual with a terminal disease
20 who is a covered beneficiary of an insurance plan based on the availability of medical
21 aid in dying, the individual's request for medication under this chapter, or the
22 absence of a request for medication under this chapter. Failure to meet this
23 requirement shall constitute a violation of the insurance code of this state.

24 **156.33 Death certificate.** (1) Unless otherwise prohibited by law, an
25 attending provider or a hospice medical director may sign the death certificate of a

SENATE BILL 739**SECTION 1**

1 qualified individual who obtained and self-administered a prescription for
2 medication under this chapter.

3 (2) When a death has occurred in accordance with this chapter, the death shall
4 be attributed to the underlying terminal disease.

5 (3) A death following self-administering medication under this chapter does
6 not alone constitute grounds for post-mortem inquiry.

7 (4) A death in accordance with this chapter may not be designated as suicide
8 or homicide.

9 (5) A qualified individual's act of self-administering medication prescribed
10 under this chapter may not be indicated on the individual's death certificate.

11 (6) A coroner may conduct a preliminary investigation to determine whether
12 an individual received a prescription for medication under this chapter.

13 **156.35 Liabilities and penalties.** (1) Intentionally or knowingly altering
14 or forging an individual's request for medication under this chapter or concealing or
15 destroying a rescission of a request for medication under this chapter is a Class F
16 felony.

17 (2) Intentionally or knowingly exercising coercion or undue influence on an
18 individual with a terminal disease to request or use medication under this chapter
19 is a Class F felony.

20 (3) Nothing in this chapter limits civil liability nor damages arising from
21 negligent conduct or intentional misconduct, including failure to obtain informed
22 consent by any person, provider, or health care facility.

23 (4) The penalties specified in this chapter do not preclude criminal penalties
24 applicable under other laws for conduct inconsistent with this chapter.

SENATE BILL 739

1 (5) For purposes of this chapter, “intentionally” has the meaning given under
2 s. 939.23.

3 **156.37 Claims by governmental entity for costs incurred.** Any
4 governmental entity that incurs costs resulting from self-administration of
5 medication prescribed under this chapter in a public place has a claim against the
6 estate of the qualified individual to recover those costs and, notwithstanding s.
7 814.04 (1), reasonable attorney fees and costs incurred in enforcing the claim.

8 **156.39 Construction. (1)** Nothing in this chapter authorizes a provider or
9 any other person, including a qualified individual, to end the qualified individual’s
10 life by intravenous or other parenteral injection or infusion, mercy killing, homicide,
11 murder, manslaughter, euthanasia, or any other criminal act.

12 (2) Actions taken in accordance with this chapter do not, for any purposes,
13 constitute suicide, assisted suicide, euthanasia, mercy killing, homicide, murder,
14 manslaughter, elder abuse or neglect, or any other civil or criminal violation under
15 the law.

16 **SECTION 2.** 979.01 (1j) of the statutes is created to read:

17 979.01 (1j) Subsection (1) does not apply to a death that results from taking
18 medication under a fulfilled request for medication that meets the requirements of
19 ch. 156.

20 **SECTION 3. Nonstatutory provisions.**

21 (1) No later than 45 days after the effective date of this subsection, the
22 department of health services shall create the checklist form and the follow-up form
23 required under s. 156.27 (1).

24 **SECTION 4. Effective date.**

