

## CHAPTER 100

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**CRIMINAL LAW AND PROCEDURE**

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**SENATE BILL 06-102**

BY SENATOR(S) Williams, Hagedorn, Shaffer, Evans, Isgar, Kester, Bacon, Fitz-Gerald, Groff, Grossman, Hanna, Jones, Keller, Sandoval, Tapia, Tochtrop, Tupa, Veiga and Gordon;  
also REPRESENTATIVE(S) Larson, Benefield, Berens, Madden, McCluskey, Merrifield, Todd, Massey, White, Borodkin, Boyd, Carroll M., Carroll T., Decker, Garcia, Green, Hefley, Jahn, Kerr, Marshall, McGihon, Paccione, Riesberg, Solano, Stafford, Stengel, Weissmann, and Witwer.

**AN ACT**

**CONCERNING LIMITED CRIMINAL IMMUNITY FOR LICENSED MEDICAL CAREGIVERS WHO WITH CONSENT PROVIDE PALLIATIVE CARE TO TERMINALLY ILL PATIENTS.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 18-3-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**18-3-104. Manslaughter.** (4) (a) THIS SECTION SHALL NOT APPLY TO A MEDICAL CAREGIVER WITH PRESCRIPTIVE AUTHORITY OR AUTHORITY TO ADMINISTER MEDICATION WHO PRESCRIBES OR ADMINISTERS MEDICATION FOR PALLIATIVE CARE TO A TERMINALLY ILL PATIENT WITH THE CONSENT OF THE TERMINALLY ILL PATIENT OR HIS OR HER AGENT.

(b) FOR PURPOSES OF THIS SUBSECTION (4):

(I) "AGENT" MEANS A PERSON APPOINTED TO REPRESENT THE INTERESTS OF THE TERMINALLY ILL PATIENT BY A MEDICAL POWER OF ATTORNEY, POWER OF ATTORNEY, HEALTH CARE PROXY, OR ANY OTHER SIMILAR STATUTORY OR REGULAR PROCEDURE USED FOR DESIGNATION OF SUCH PERSON.

(II) "MEDICAL CAREGIVER" MEANS A PHYSICIAN, REGISTERED NURSE, NURSE PRACTITIONER, OR PHYSICIAN ASSISTANT LICENSED BY THIS STATE.

(III) "PALLIATIVE CARE" MEANS MEDICAL CARE AND TREATMENT PROVIDED BY A LICENSED MEDICAL CAREGIVER TO A PATIENT WITH AN ADVANCED CHRONIC OR

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

TERMINAL ILLNESS WHOSE CONDITION MAY NOT BE RESPONSIVE TO CURATIVE TREATMENT AND WHO IS, THEREFORE, RECEIVING TREATMENT THAT RELIEVES PAIN AND SUFFERING AND SUPPORTS THE BEST POSSIBLE QUALITY OF HIS OR HER LIFE.

(c) PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL NOT BE INTERPRETED TO PERMIT A MEDICAL CAREGIVER TO ASSIST IN THE SUICIDE OF THE PATIENT.

**SECTION 2. Effective date - applicability.** This act shall take effect July 1, 2006, and shall apply to treatment and care provided on or after said date.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 4, 2006