

CHAPTER 112

PROBATE, TRUSTS, AND FIDUCIARIES

HOUSE BILL 10-1024

BY REPRESENTATIVE(S) Balmer and Riesberg, Gerou, Stephens, Todd, Apuan, Court, Fischer, Labuda, Roberts, Schafer S.,
Vigil;
also SENATOR(S) Williams, Newell, Boyd.

AN ACT

**CONCERNING ELIMINATING THE ABILITY OF ADVANCED PRACTICE NURSES TO DECLARE PATIENTS
TERMINALLY ILL.**

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

SECTION 1. 15-18-104 (3), Colorado Revised Statutes, is amended to read:

15-18-104. Declaration as to medical treatment. (3) A declaration executed before two witnesses by any competent adult shall be legally effective for the purposes of this article and may, but need not, be in the following form:

**DECLARATION AS TO MEDICAL OR
SURGICAL TREATMENT**

I, (name of declarant), being of sound mind and at least eighteen years of age, direct that my life shall not be artificially prolonged under the circumstances set forth below and hereby declare that:

1. If at any time my attending physician ~~or advanced practice nurse~~ and one other qualified physician ~~or advanced practice nurse~~ certify in writing that:

a. I have an injury, disease, or illness which is not curable or reversible and which, in their judgment, is a terminal condition, and

b. For a period of seven consecutive days or more, I have been unconscious, comatose, or otherwise incompetent so as to be unable to make or communicate responsible decisions concerning my person, then

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

I direct that, in accordance with Colorado law, life-sustaining procedures shall be withdrawn and withheld pursuant to the terms of this declaration, it being understood that life-sustaining procedures shall not include any medical procedure or intervention for nourishment considered necessary by the attending physician or advanced practice nurse to provide comfort or alleviate pain. However, I may specifically direct, in accordance with Colorado law, that artificial nourishment be withdrawn or withheld pursuant to the terms of this declaration.

2. In the event that the only procedure I am being provided is artificial nourishment, I direct that one of the following actions be taken:

(initials of declarant) a. Artificial nourishment shall not be continued when it is the only procedure being provided; or

(initials of declarant) b. Artificial nourishment shall be continued for _____ days when it is the only procedure being provided; or

(initials of declarant) c. Artificial nourishment shall be continued when it is the only procedure being provided.

3. I execute this declaration, as my free and voluntary act, this _____ day of _____, 20__.

By _____
Declarant

The foregoing instrument was signed and declared by _____ to be his OR HER declaration, in the presence of us, who, in his OR HER presence, in the presence of each other, and at his OR HER request, have signed our names below as witnesses, and we declare that, at the time of the execution of this instrument, the declarant, according to our best knowledge and belief, was of sound mind and under no constraint or undue influence.

Dated at _____, Colorado, this _____ day of _____, 20__.

Name and Address

Name and Address

STATE OF COLORADO)
) ss.
County of _____)

SUBSCRIBED and sworn to before me by _____, the declarant, and _____ and _____, witnesses, as the voluntary act and deed of the declarant this _____ day of _____, 20__.

My commission expires:

Notary Public

SECTION 2. Act subject to petition - effective date. (1) Except as provided in subsection (2) of this section, this act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act shall not take effect if House Bill 10-1025 is enacted and becomes law.

Approved: April 15, 2010