

THURSDAY, FEBRUARY 14, 2013 145

Sec. 1. 18 V.S.A. chapter 113 is added to read:

CHAPTER 113. IMMUNITY FOR TERMINALLY ILL PATIENT'S USE
OF PRESCRIPTION MEDICATION

§ 5281. TERMINALLY ILL PATIENTS; IMMUNITY FOR PRESCRIBING
OR BEING PRESENT WHEN MEDICATION IS TAKEN

(a) As used in this section:

(1) "Bona fide health care professional-patient relationship" means a treating or consulting relationship in the course of which a health care professional has completed a full assessment of the patient's medical history and current medical condition, including a personal physical examination.

(2) "Health care professional" means an individual licensed to practice medicine under 26 V.S.A. chapter 23 or 33.

(3) "Terminal condition" means an incurable and irreversible disease which would, within reasonable medical judgment, result in death within six months.

(b) A health care professional who has a bona fide health care professional-patient relationship with a patient with a terminal condition and who prescribes medication to that patient for the relief of symptoms associated with or caused by the terminal condition shall not be subject to criminal or civil liability or professional disciplinary action if the patient self-administers more than a prescribed dosage of the medication and dies as a result.

(c) A person shall not be subject to criminal or civil liability solely for being present when a patient self-administers a lethal dose of a medication that has been prescribed for that patient by a health care professional.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2013.