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MEMORANDUM

To: Chairman Barker
Members of the House Committee on Federal and State Affairs

From: Jason B. Long, Senior Assistant Revisor

Date: March 21, 2017

Subject: HB 2307 – Simon's Law.

House Bill No. 2307 (HB 2307) would enact Simon's law regarding the withholding of life-sustaining treatment from minors. HB 2307 defines "life-sustaining measures" as resuscitation, medication, nutrition, hydration, and other medical procedures that when withdrawn or withheld would in reasonable medical judgment result in or hasten the death of the patient.

HB 2307 prohibits the withholding or withdrawing of such life-sustaining measures for any patient who is a minor unless at least one parent or legal guardian of the patient has given permission for such action in writing. The bill also prohibits the imposition of any do-not-resuscitate order for a patient who is a minor unless such order is consented to in writing by at least one parent or legal guardian of such patient.

The written permission requirement would not apply to the extent that providing life-sustaining measures would be futile because withholding such measures would not cause or hasten the death of the patient, or would be medically inappropriate because providing such measures would create a greater risk of causing or hastening the death of the patient.

If the parents of the patient cannot agree on whether to give permission to withhold or withdraw life-sustaining measures, then they may petition a district court to resolve the conflict. Pending resolution of the matter there is a presumption in favor of providing life-sustaining measures to the patient. The presumption may be overcome through clear and convincing evidence that failure to provide life-sustaining measures would not constitute withholding medically indicated treatment and that such treatment is contrary to the best interests of the child.

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Finally, HB 2307 requires medical facilities and physicians to provide copies of written policies, if any, relating to the provision of life-sustaining measures.

If enacted the provisions of HB 2307 would be effective on July 1, 2017.