

Amended 2/10/77 (352)

SENATE FILE 81

Judiciary
Redmond, Chairperson
DeKoster
Scott _____

FILED FEB 9 1977

SENATE FILE 81

By RAMSEY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the use of medical procedures to prolong
2 life.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. NEW SECTION. REFUSAL OF MEDICAL PROCEDURES.

2 1. As used in this section, unless the context otherwise
3 requires:

4 a. "Medical or surgical means or procedures" means medical
5 treatment which induces or improves the vital signs of a
6 patient without improving the chances for a reversal in the
7 patient's condition under which he or she may refuse treatment
8 pursuant to this section.

9 b. "Physician" means a person who is currently licensed
10 in Iowa to practice medicine and surgery, osteopathic medi-
11 cine and surgery, or osteopathy.

12 c. "Terminally and incurably ill" means a condition which
13 will result in natural expiration of life regardless of the
14 use or discontinuance of medical treatment to sustain life.

15 2. A person who is competent and who has reached the age
16 of majority may refuse the use of medical or surgical means
17 or procedures calculated to prolong the person's life beyond
18 the point at which it is determined by a physician that he
19 or she is terminally and incurably ill. A person who exercises
20 his or her right under this subsection shall, in the manner
21 required for the execution of wills and codicils pursuant
22 to sections six hundred thirty-three point two hundred seventy-
23 nine (633.279) and six hundred thirty-three point two hundred
24 eighty (633.280) of the Code, execute a document prohibiting
25 the use of medical or surgical means or procedures calculated
26 to prolong the person's life. A document executed under this
27 subsection shall be filed with the clerk of court in the
28 county of residence of the person executing the document.
29 At the time the physician determines that the patient is
30 terminally or incurably ill, he or she shall notify the patient
31 of his or her condition and of the stage of his or her illness.
32 If the physician determines that the patient is incapable
33 of comprehending the nature and condition of his or her
34 illness, notification shall be made to the spouse and at least
35 one other interested relative, if any. The person who executed

1 the document, or a spouse or relative, may present the
2 physician with the document, or a copy of the document,
3 executed pursuant to this subsection.

4 3. A person who in good faith acts, or refrains from
5 acting, pursuant to the provisions of the document and this
6 Act shall be immune from civil or criminal liability otherwise
7 arising out of failure to use or apply medical or surgical
8 means or procedures calculated to prolong the life of the
9 person executing the document.

10 4. Nothing in this section shall prevent or prohibit
11 medical treatment which promotes comfort or eases pain.

12 5. A person who executes a document under this section
13 may revoke the document at any time by a written statement.

14 Sec. 2. This Act is effective January 1, 1978.

15 EXPLANATION

16 This bill provides that a person may execute a document
17 which would deny the use of medical or surgical means or
18 procedures to prolong his or her life beyond the point when
19 it is determined by a physician that he or she is terminally
20 and incurably ill.

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