

Senate Study Bill 2026

Conference Committee Text

PAG LIN

1 1 Section 1. NEW SECTION. 707A.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Licensed health care professional" means a physician
1 5 and surgeon, podiatrist, osteopath, osteopathic physician and
1 6 surgeon, physician assistant, nurse, dentist, or pharmacist
1 7 required to be licensed under chapter 147.
1 8 2. "Suicide" means the act or instance of taking a
1 9 person's own life voluntarily and intentionally.
1 10 Sec. 2. NEW SECTION. 707A.2 ASSISTING SUICIDE.
1 11 1. A person commits a class "C" felony if the person
1 12 intentionally or knowingly by force or duress causes, aids or
1 13 abets, assists, solicits, or incites another person to commit
1 14 or to attempt to commit suicide.
1 15 2. A person commits a class "D" felony if the person, with
1 16 the purpose of assisting another person to commit or to
1 17 attempt to commit suicide, intentionally or knowingly does
1 18 either of the following:
1 19 a. Provides or assists in providing the physical means by
1 20 which another person commits or attempts to commit suicide.
1 21 b. Participates in a physical act by which another person
1 22 commits or attempts to commit suicide.
1 23 Sec. 3. NEW SECTION. 707A.3 ACTS OR OMISSIONS NOT
1 24 CONSIDERED ASSISTING SUICIDE.
1 25 1. A licensed health care professional who administers,
1 26 prescribes, or dispenses medications or procedures to relieve
1 27 another person's pain or discomfort, even if the medication or
1 28 procedure may hasten or increase the risk of death, does not
1 29 violate section 707A.2 unless the medications or procedures
1 30 are intentionally or knowingly administered, prescribed, or
1 31 dispensed with the primary intention of causing death.
1 32 2. A licensed health care professional who withholds or
1 33 withdraws a life-sustaining procedure in compliance with
1 34 chapter 144A or 144B does not violate section 707A.2.
1 35 Sec. 4. NEW SECTION. 707A.4 CAUSES OF ACTION.
2 1 1. A cause of action for injunctive relief may be
2 2 maintained against a person who is reasonably believed to be
2 3 about to violate or who is attempting to violate section
2 4 707A.2 and a cause of action for wrongful death may be
2 5 maintained following the death of a person resulting from the
2 6 violation of section 707A.2 by a person who is any of the
2 7 following:
2 8 a. The spouse, parent, child, or sibling of the person who
2 9 would commit suicide or committed suicide.
2 10 b. A person entitled to inherit from the person who would
2 11 commit suicide or committed suicide.
2 12 c. A public official with appropriate jurisdiction to
2 13 prosecute or enforce the laws of this state.
2 14 2. Compensatory and exemplary damages may be awarded under
2 15 this section whether or not the plaintiff consents to or has
2 16 prior knowledge of the violation or attempt.
2 17 3. Reasonable attorney's fees shall be awarded to a
2 18 plaintiff who prevails in a civil action brought under this
2 19 section.

2 20 EXPLANATION
2 21 This bill establishes a penalty of a class "C" felony for

2 22 intentionally or knowingly by force or duress causing, aiding
2 23 or abetting, assisting, soliciting, or inciting another person
2 24 to commit or to attempt suicide. The bill also establishes a
2 25 penalty of a class "D" felony for assisting another person to
2 26 commit or to attempt suicide by providing the other person
2 27 with the physical means by which the other person commits or
2 28 attempts to commit suicide or by participating in a physical
2 29 act by which the other person commits or attempts to commit
2 30 suicide.

2 31 The bill specifies that prescribing or dispensing
2 32 medications or procedures to relieve pain or discomfort, even
2 33 if the medications or procedures may hasten or increase the
2 34 risk of death, does not constitute assisting suicide, unless
2 35 the medications or procedures are intentionally or knowingly
3 1 administered, prescribed or dispensed with the primary
3 2 intention of causing death. The bill also provides that if a
3 3 licensed health care professional withholds or withdraws life-
3 4 sustaining procedures in compliance with the life-sustaining
3 5 procedures Act or with durable power of attorney for health
3 6 care provisions, it does not constitute assisting a suicide.

3 7 The bill also establishes that a cause of action for
3 8 injunctive relief may be maintained against a person who is
3 9 reasonably believed to be about to violate or who is
3 10 attempting to violate the provisions of the bill and provides
3 11 for the maintaining of a cause of action for wrongful death
3 12 following the death of a person resulting from a violation of
3 13 the bill. A cause of action may be maintained by a spouse,
3 14 parent, child or sibling of the person who would commit or
3 15 committed suicide; by a person entitled to inherit from the
3 16 person who would commit or who committed suicide; or by a
3 17 public official with jurisdiction to prosecute or enforce
3 18 state law. The bill provides payment of compensatory and
3 19 exemplary damages and for awarding of reasonable attorney's
3 20 fees to the prevailing party in a civil suit.

3 21 LSB 3625SC 76

3 22 pf/sc/14.1