

SENATE BILL No. 597

September 28, 2017, Introduced by Senators PROOS, KNOLLENBERG, BOOHER, PAVLOV, ZORN, STAMAS, COLBECK, BRANDENBURG, MARLEAU, HANSEN, GREEN, MACGREGOR, HILDENBRAND, EMMONS, ROBERTSON and MEEKHOF and referred to the Committee on Oversight.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 17019, 17519, and 20407.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 17019. (1) A PHYSICIAN SHALL NOT ISSUE A MEDICAL ORDER,
2 ORALLY OR IN WRITING, TO WITHHOLD OR WITHDRAW LIFE-SUSTAINING
3 TREATMENT FROM A PATIENT OR TO NOT RESUSCITATE A PATIENT WITHOUT
4 FIRST OBTAINING THE CONSENT OF 1 OF THE FOLLOWING:
5 (A) THE PATIENT.
6 (B) IF THE PATIENT IS A MINOR, A PARENT OF THE MINOR.
7 (C) IF THE PATIENT HAS DESIGNATED A PATIENT ADVOCATE AND IS

1 UNABLE TO PARTICIPATE IN MEDICAL TREATMENT DECISIONS, SUBJECT TO
2 SECTION 5509(1)(E) OF THE ESTATES AND PROTECTED INDIVIDUALS CODE,
3 1998 PA 386, MCL 700.5509, THE PATIENT ADVOCATE.

4 (D) IF THE PATIENT IS A WARD FOR WHOM A GUARDIAN HAS BEEN
5 APPOINTED, THE GUARDIAN.

6 (2) AS USED IN THIS SECTION:

7 (A) "GUARDIAN" MEANS A PERSON WHO HAS QUALIFIED AS A GUARDIAN
8 OF A MINOR OR A LEGALLY INCAPACITATED INDIVIDUAL UNDER A COURT
9 ORDER ISSUED UNDER SECTION 5204, 5205, OR 5306 OF THE ESTATES AND
10 PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.5204, 700.5205,
11 AND 700.5306.

12 (B) "LIFE-SUSTAINING TREATMENT" MEANS A MEDICAL PROCEDURE,
13 MEDICATION, HYDRATION, OR NUTRITION THAT, IF WITHHELD OR WITHDRAWN,
14 WOULD IN A PHYSICIAN'S REASONABLE MEDICAL JUDGMENT DIRECTLY RESULT
15 IN OR INTENTIONALLY HASTEN A PATIENT'S DEATH.

16 (C) "PATIENT ADVOCATE" MEANS THAT TERM AS DESCRIBED AND USED
17 IN SECTIONS 5506 TO 5515 OF THE ESTATES AND PROTECTED INDIVIDUALS
18 CODE, 1998 PA 386, MCL 700.5506 TO 700.5515.

19 SEC. 17519. (1) A PHYSICIAN SHALL NOT ISSUE A MEDICAL ORDER,
20 ORALLY OR IN WRITING, TO WITHHOLD OR WITHDRAW LIFE-SUSTAINING
21 TREATMENT FROM A PATIENT OR TO NOT RESUSCITATE A PATIENT WITHOUT
22 FIRST OBTAINING THE CONSENT OF 1 OF THE FOLLOWING:

23 (A) THE PATIENT.

24 (B) IF THE PATIENT IS A MINOR, A PARENT OF THE MINOR.

25 (C) IF THE PATIENT HAS DESIGNATED A PATIENT ADVOCATE AND IS
26 UNABLE TO PARTICIPATE IN MEDICAL TREATMENT DECISIONS, SUBJECT TO
27 SECTION 5509(1)(E) OF THE ESTATES AND PROTECTED INDIVIDUALS CODE,

1 1998 PA 386, MCL 700.5509, THE PATIENT ADVOCATE.

2 (D) IF THE PATIENT IS A WARD FOR WHOM A GUARDIAN HAS BEEN
3 APPOINTED, THE GUARDIAN.

4 (2) AS USED IN THIS SECTION:

5 (A) "GUARDIAN" MEANS A PERSON WHO HAS QUALIFIED AS A GUARDIAN
6 OF A MINOR OR A LEGALLY INCAPACITATED INDIVIDUAL UNDER A COURT
7 ORDER ISSUED UNDER SECTION 5204, 5205, OR 5306 OF THE ESTATES AND
8 PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.5204, 700.5205,
9 AND 700.5306.

10 (B) "LIFE-SUSTAINING TREATMENT" MEANS A MEDICAL PROCEDURE,
11 MEDICATION, HYDRATION, OR NUTRITION THAT, IF WITHHELD OR WITHDRAWN,
12 WOULD IN A PHYSICIAN'S REASONABLE MEDICAL JUDGMENT DIRECTLY RESULT
13 IN OR INTENTIONALLY HASTEN A PATIENT'S DEATH.

14 (C) "PATIENT ADVOCATE" MEANS THAT TERM AS DESCRIBED AND USED
15 IN SECTIONS 5506 TO 5515 OF THE ESTATES AND PROTECTED INDIVIDUALS
16 CODE, 1998 PA 386, MCL 700.5506 TO 700.5515.

17 SEC. 20407. (1) A HEALTH FACILITY OR AGENCY SHALL NOT
18 IMPLEMENT A MEDICAL ORDER TO WITHHOLD OR WITHDRAW LIFE-SUSTAINING
19 TREATMENT FROM A PATIENT OR RESIDENT OR TO NOT RESUSCITATE A
20 PATIENT OR RESIDENT WITHOUT FIRST OBTAINING THE CONSENT OF 1 OF THE
21 FOLLOWING:

22 (A) THE PATIENT OR RESIDENT.

23 (B) IF THE PATIENT OR RESIDENT IS A MINOR OR WARD, A PARENT OR
24 LEGAL GUARDIAN OF THE PATIENT OR RESIDENT.

25 (C) IF THE PATIENT OR RESIDENT HAS DESIGNATED A PATIENT
26 ADVOCATE AND IS UNABLE TO PARTICIPATE IN MEDICAL TREATMENT
27 DECISIONS, SUBJECT TO SECTION 5509(1)(E) OF THE ESTATES AND

1 PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.5509, THE PATIENT
2 ADVOCATE.

3 (2) AS USED IN THIS SECTION:

4 (A) "LIFE-SUSTAINING TREATMENT" MEANS A MEDICAL PROCEDURE,
5 MEDICATION, HYDRATION, OR NUTRITION THAT, IF WITHHELD OR WITHDRAWN,
6 WOULD IN A PHYSICIAN'S REASONABLE MEDICAL JUDGMENT DIRECTLY RESULT
7 IN OR INTENTIONALLY HASTEN A PATIENT'S OR RESIDENT'S DEATH.

8 (B) "PATIENT ADVOCATE" MEANS THAT TERM AS DESCRIBED AND USED
9 IN SECTIONS 5506 TO 5515 OF THE ESTATES AND PROTECTED INDIVIDUALS
10 CODE, 1998 PA 386, MCL 700.5506 TO 700.5515.

11 Enacting section 1. This amendatory act takes effect 90 days
12 after the date it is enacted into law.