

AMENDED IN SENATE APRIL 13, 2000

SENATE BILL

No. 1808

Introduced by Senator Speier

February 23, 2000

An act to amend ~~Section~~ *Sections 1254.7 and 7189* of the Health and Safety Code, relating to terminally ill persons.

LEGISLATIVE COUNSEL'S DIGEST

SB 1808, as amended, Speier. Terminally ill *persons*.

~~Existing~~

(1) *Existing* law, the Natural Death Act, authorizes an individual of sound mind and 18 or more years of age to execute a declaration governing the withholding or withdrawal of life-sustaining treatment if certain specified criteria are met.

This bill would make a technical, nonsubstantive change to the Natural Death Act.

(2) *Existing* law relating to health facilities requires as a condition of licensure that each facility include pain as an item to be assessed at the same time vital signs are taken.

This bill would, in addition, exempt specified licensed persons from civil and criminal liability, disciplinary action, and criminal or other sanctions in connection with the good faith provision to a health facility patient of a controlled substance for pain management, including in cases involving terminally ill patients, where the treatment may hasten the patient's death.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 1254.7 of the Health and Safety*
2 *Code is amended to read:*

3 1254.7. (a) It is the intent of the Legislature that pain
4 be assessed and treated promptly, effectively, and for as
5 long as pain persists.

6 (b) Every health facility licensed pursuant to this
7 chapter shall, as a condition of licensure, include pain as
8 an item to be assessed at the same time as vital signs are
9 taken. The health facility shall ensure that pain
10 assessment is performed in a consistent manner that is
11 appropriate to the patient. The pain assessment shall be
12 noted in the patient’s chart in a manner consistent with
13 other vital signs.

14 (c) *Notwithstanding any other provision of law, no*
15 *person licensed under Division 2 (commencing with*
16 *Section 500) of the Business and Professions Code, or*
17 *under any initiative act referred to in that division, shall*
18 *be subject to criminal prosecution, civil liability,*
19 *disciplinary action, administrative sanction, or any other*
20 *sanction in connection with the good faith provision to a*
21 *health facility patient of a controlled substance for pain*
22 *management, whether on an inpatient or an outpatient*
23 *basis, including, but not limited to, cases involving*
24 *terminally ill patients, where the treatment may hasten*
25 *the terminally ill patient’s death.* Section 7189 of the
26 Health and Safety Code is amended to read:

27 7189. Upon determining that the declarant is in a
28 terminal condition or a permanent unconscious
29 condition, the attending physician who knows of a
30 declaration shall record the determination and the terms
31 of the declaration in the declarant’s medical record and
32 file a copy of the declaration in the record.

O

