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1996 Survey of Rhode Island Law: Legislation: Criminal Law. An Act Relating To Criminal Offenses - Assisted Suicide

Edward D. Pare Jr.

Roger Williams University School of Law

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Criminal Law. *An Act Relating To Criminal Offenses—Assisted Suicide.* Provides that a person assisting another to commit suicide is guilty of a felony. Provides exemptions for health care providers who legally withhold or withdraw life sustaining procedures, or who administer medications which may hasten death, unless such are knowingly administered to cause death. Effective, August 5, 1996. 1996 R.I. Pub. Laws chs. 181, 183.

This legislation (the Act) adds a chapter to the state's criminal offense statute. The Act generally provides that it constitutes a felony for "any individual or licensed health care practitioner" to knowingly assist another person to commit suicide.¹

The legislative declaration states that the General Assembly finds that the welfare of Rhode Island citizens "requires that vulnerable persons be protected from suicide," and that taxpayer cost to enforce such prohibition will be reduced by promoting civil enforcement.² As defined by the Act, suicide means the "act or instance of taking one's own life voluntarily and intentionally."³

The operative provision of the Act provides that it constitutes a felony, punishable by imprisonment for up to ten years and/or a fine of up to ten thousand dollars, for any individual or licensed health care professional (as defined by the Act) knowingly to assist another person to commit suicide, by either providing the physical means, or participating in the physical act of suicide.⁴ The Act covers both successful and attempted suicides.⁵

The Act exempts medical procedures, and medication for pain or discomfort administered by a licensed health care professional "even if the medication or procedure may hasten or increase the

1. R.I. Gen. Laws § 11-60-3 (Supp. 1996). "Licensed health care professionals" include physicians, surgeons, podiatrists, osteopaths, osteopathic physicians and surgeons, physician assistants, nurses, nurse anesthetists, dentists, or pharmacists, licensed pursuant to Rhode Island General Laws section 5-19-10. *Id.* § 11-60-2(1). Currently, the United States Supreme Court has granted certiorari to review two federal courts of appeals' decisions declaring two state statutes prohibiting assisted suicide unconstitutional. *See* *Compassion in Dying v. Washington*, 85 F.3d 1440 (9th Cir. 1996), *cert. granted sub nom.* *Washington v. Glucksberg*, 117 S. Ct. 37 (1996); *Quill v. Vacco*, 80 F.3d 716 (2d Cir. 1996), *cert. granted*, 117 S. Ct. 36 (1996).

2. R.I. Gen. Laws § 11-60-1.

3. *Id.* § 11-60-2(2).

4. *Id.* § 11-60-3.

5. *Id.*

risk of death . . . unless the medications or procedures are knowingly administered, prescribed, or dispensed to cause death."⁶ Also exempted are licensed health care professionals who withhold or withdraw life sustaining procedures pursuant to Rhode Island law relating to a Health Care Power of Attorney.⁷

The state, through the Attorney General, may seek injunctive relief against any person violating or reasonably believed to be about to violate the Act.⁸ The person committing or attempting to commit suicide may also seek injunctive relief against future attempts by a person assisting or counseling suicide.⁹

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6. *Id.* § 11-60-4(A).

7. *Id.* § 11-60-4(B). Section 23-4.10-1(b) of the Rhode Island General Laws provides that an "adult person [may] . . . make a written durable power of attorney which might include instructing his or her physician to withhold or withdraw life-sustaining procedures in the event of a terminal condition." *Id.* § 23-4.10-1(b).

8. R.I. Gen. Laws § 11-60-5.

9. *Id.*