

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 24-0599.01 Yelana Love x2295

SENATE BILL 24-068

SENATE SPONSORSHIP

Ginal,

HOUSE SPONSORSHIP

Brown,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING END-OF-LIFE OPTIONS FOR AN INDIVIDUAL WITH A**
102 **TERMINAL ILLNESS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law authorizes an individual with a terminal illness to request, and the individual's attending physician to prescribe to the individual, medication to hasten the individual's death (medical aid-in-dying). The bill modifies the medical aid-in-dying laws by:

- Providing an advanced practice registered nurse with the same authority to evaluate an individual and prescribe

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- medication as a physician;
- Removing the requirement that an individual must be a resident of the state to access end-of-life options;
- Adding language specifying that if any end-of-life options conflict with requirements to receive federal money, the conflicting part is inoperative and the remainder of the law will continue to operate; and
- Reducing the waiting period between oral requests from 15 days to 48 hours, and allowing attending providers to waive the mandatory waiting period if the patient is unlikely to survive more than 48 hours and meets all other qualifications.

The bill also prohibits certain insurers from:

- Denying or altering health-care or life insurance benefits otherwise available to a covered individual with a terminal illness based on the availability of medical aid-in-dying; or
- Attempting to coerce an individual with a terminal illness to make a request for medical aid-in-dying medication.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-48-102, **amend**
 3 (2), (3), (4), (5), (7), (9), (10), (12), (13), (15), and (16); **repeal** (8) and
 4 (14); and **add** (1.5) as follows:

5 **25-48-102. Definitions.** As used in this article 48, unless the
 6 context otherwise requires:

7 (1.5) "ADVANCED PRACTICE REGISTERED NURSE" HAS THE SAME
 8 MEANING AS SET FORTH IN SECTION 12-255-104 (1).

9 (2) "Attending ~~physician~~ PROVIDER" means a physician OR
 10 ADVANCED PRACTICE REGISTERED NURSE who has primary responsibility
 11 for the care of a terminally ill individual and the treatment of the
 12 individual's terminal illness.

13 (3) "Consulting ~~physician~~ PROVIDER" means a physician OR
 14 ADVANCED PRACTICE REGISTERED NURSE who is qualified by specialty or
 15 experience to make a professional diagnosis and prognosis regarding a

1 terminally ill individual's illness.

2 (4) "Health-care provider" or "provider" means a person who is
3 licensed, certified, registered, or otherwise authorized or permitted by law
4 to administer health care or dispense medication in the ordinary course of
5 business or practice of a profession. ~~The term includes a health-care~~
6 ~~facility, including a long-term care facility as defined in section~~
7 ~~25-3-103.7 (1)(f.3) and a continuing care retirement community as~~
8 ~~described in section 25.5-6-203 (1)(c)(I)(A).~~

9 (5) "Informed decision" means a decision ~~that is~~ BY A MENTALLY
10 CAPABLE INDIVIDUAL TO REQUEST AND OBTAIN A PRESCRIPTION FOR
11 MEDICATION PURSUANT TO THIS ARTICLE 48, THAT THE QUALIFIED
12 INDIVIDUAL MAY SELF-ADMINISTER TO BRING ABOUT DEATH, AFTER BEING
13 FULLY INFORMED BY THE ATTENDING PROVIDER AND THE CONSULTING
14 PROVIDER OF:

15 (a) ~~Made by an individual to obtain a prescription for medical~~
16 ~~aid-in-dying medication that the qualified individual may decide to~~
17 ~~self-administer to end his or her life in a peaceful manner~~ THE
18 INDIVIDUAL'S DIAGNOSIS AND PROGNOSIS;

19 (b) ~~Based on an understanding and acknowledgment of the~~
20 ~~relevant facts; and~~ THE POTENTIAL RISKS ASSOCIATED WITH TAKING THE
21 MEDICATION TO BE PRESCRIBED;

22 (c) ~~Made after the attending physician fully informs the individual~~
23 ~~of:~~ THE PROBABLE RESULT OF TAKING THE MEDICATION TO BE
24 PRESCRIBED;

25 (I) ~~His or her medical diagnosis and prognosis of six months or~~
26 ~~less;~~

27 (II) ~~The potential risks associated with taking the medical aid-in~~

1 dying medication to be prescribed;

2 (III) ~~The probable result of taking the medical aid-in-dying~~
3 ~~medication to be prescribed;~~

4 (IV) ~~The choices available to an individual that demonstrate his~~
5 ~~or her self-determination and intent to end his or her life in a peaceful~~
6 ~~manner, including the ability to choose whether to:~~

7 (A) ~~Request medical aid in dying;~~

8 (B) ~~Obtain a prescription for medical aid-in-dying medication to~~
9 ~~end his or her life;~~

10 (C) ~~Fill the prescription and possess medical aid-in-dying~~
11 ~~medication to end his or her life; and~~

12 (D) ~~Ultimately self-administer the medical aid-in-dying~~
13 ~~medication to bring about a peaceful death; and~~

14 (V) ~~All feasible alternatives or additional treatment opportunities,~~
15 ~~including comfort care, palliative care, hospice care, and pain control.~~

16 (d) THE FEASIBLE END-OF-LIFE CARE AND TREATMENT OPTIONS
17 FOR THE INDIVIDUAL'S TERMINAL DISEASE, INCLUDING COMFORT CARE,
18 PALLIATIVE CARE, HOSPICE CARE, AND PAIN CONTROL, AND THE RISKS AND
19 BENEFITS OF EACH OF THESE OPTIONS; AND

20 (e) THE INDIVIDUAL'S RIGHT TO WITHDRAW A REQUEST PURSUANT
21 TO THIS ARTICLE 48 OR WITHDRAW CONSENT FOR ANY OTHER TREATMENT
22 AT ANY TIME.

23 (7) "Medical aid-in-dying" means the ~~medical practice of a~~
24 ~~physician prescribing medical aid-in-dying medication to a qualified~~
25 ~~individual that the individual may choose to self-administer to bring about~~
26 ~~a peaceful death~~ PRACTICE OF EVALUATING A REQUEST, THE DETERMINING
27 OF QUALIFICATION, THE PERFORMING OF THE DUTIES IN SECTIONS

1 25-48-106 AND 25-48-107, AND THE PROVIDING OF A PRESCRIPTION TO A
2 QUALIFIED INDIVIDUAL PURSUANT TO THIS ARTICLE 48.

3 (8) ~~"Medical aid-in-dying medication" means medication~~
4 ~~prescribed by a physician pursuant to this article to provide medical aid~~
5 ~~in dying to a qualified individual.~~

6 (9) "Medically confirmed" means ~~that a consulting physician who~~
7 PROVIDER has examined the terminally ill individual and the individual's
8 relevant medical records AND has confirmed the medical opinion of the
9 attending ~~physician~~ PROVIDER.

10 (10) "Mental capacity" or "mentally capable" means that in the
11 opinion of an individual's attending ~~physician~~ PROVIDER, consulting
12 ~~physician, psychiatrist or psychologist~~ PROVIDER, OR LICENSED MENTAL
13 HEALTH PROVIDER, the individual has the ability to make and
14 communicate an informed decision to health-care providers.

15 (12) "Prognosis of six months or less" means ~~a prognosis resulting~~
16 ~~from a terminal illness that the illness will, within reasonable medical~~
17 ~~judgment, result in death within six months. and which has been~~
18 ~~medically confirmed.~~

19 (13) (a) "Qualified individual" means ~~a terminally ill adult with~~
20 ~~a prognosis of six months or less, who has mental capacity, has made an~~
21 ~~informed decision, is a resident of the state, and has satisfied the~~
22 ~~requirements of this article in order to obtain a prescription for medical~~
23 ~~aid-in-dying medication to end his or her life in a peaceful manner~~
24 CAPABLE ADULT WHO HAS SATISFIED THE REQUIREMENTS OF THIS ARTICLE
25 48 IN ORDER TO OBTAIN A PRESCRIPTION FOR MEDICATION TO BRING
26 ABOUT A DEATH.

27 (b) AN INDIVIDUAL IS NOT A "QUALIFIED INDIVIDUAL" BASED

1 SOLELY ON THE INDIVIDUAL'S AGE OR DISABILITY.

2 (14) ~~"Resident" means an individual who is able to demonstrate~~
3 ~~residency in Colorado by providing any of the following documentation~~
4 ~~to his or her attending physician:~~

5 (a) ~~A Colorado driver's license or identification card issued~~
6 ~~pursuant to article 2 of title 42, C.R.S.;~~

7 (b) ~~A Colorado voter registration card or other documentation~~
8 ~~showing the individual is registered to vote in Colorado;~~

9 (c) ~~Evidence that the individual owns or leases property in~~
10 ~~Colorado; or~~

11 (d) ~~A Colorado income tax return for the most recent tax year.~~

12 (15) (a) ~~"Self-administer" means WHEN a qualified individual's~~
13 ~~affirmative, conscious, and physical act of administering the medical~~
14 ~~aid-in-dying medication to himself or herself to bring about his or her~~
15 ~~own death~~ INDIVIDUAL PERFORMS AN AFFIRMATIVE, CONSCIOUS,
16 VOLUNTARY ACT TO INGEST MEDICATION PRESCRIBED PURSUANT TO THIS
17 ARTICLE 48 TO BRING ABOUT THE INDIVIDUAL'S DEATH.

18 (b) ~~"SELF-ADMINISTER" DOES NOT INCLUDE ADMINISTRATION BY~~
19 ~~PARENTERAL INJECTION OR INFUSION.~~

20 (16) ~~"Terminal illness" means an incurable and irreversible illness~~
21 ~~DISEASE that HAS BEEN MEDICALLY CONFIRMED AND will, within~~
22 ~~reasonable medical judgment, result in death WITHIN SIX MONTHS.~~

23 **SECTION 2.** In Colorado Revised Statutes, 25-48-103, **amend**
24 (1) introductory portion, (1)(a), and (1)(b) as follows:

25 **25-48-103. Right to request medical aid-in-dying medication.**

26 (1) An adult ~~resident of Colorado~~ may make a request, in accordance
27 with sections 25-48-104 and 25-48-112, to receive a prescription for

1 medical aid-in-dying medication if:

2 (a) The individual's attending ~~physician~~ PROVIDER has diagnosed
3 the individual with a terminal illness with a prognosis of six months or
4 less;

5 (b) The individual's attending ~~physician~~ PROVIDER has determined
6 the individual has mental capacity; and

7 **SECTION 3.** In Colorado Revised Statutes, 25-48-104, **amend**
8 (1) and (2)(c) as follows:

9 **25-48-104. Request process - witness requirements.**

10 (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, in
11 order to receive a prescription for medical aid-in-dying medication
12 pursuant to this ~~article~~ ARTICLE 48, an individual who satisfies the
13 requirements in section 25-48-103 must make two oral requests, separated
14 by at least ~~fifteen days~~ FORTY-EIGHT HOURS, and a valid written request
15 to ~~his or her~~ THE INDIVIDUAL'S attending ~~physician~~ PROVIDER.

16 (b) IF AN INDIVIDUAL'S ATTENDING PROVIDER HAS DETERMINED
17 THAT THE INDIVIDUAL WILL, WITHIN REASONABLE MEDICAL JUDGMENT,
18 DIE WITHIN FORTY-EIGHT HOURS AFTER MAKING THE INITIAL ORAL
19 REQUEST UNDER THIS SECTION, THE INDIVIDUAL MAY SATISFY THE
20 REQUIREMENTS OF THIS SECTION BY REITERATING THE ORAL REQUEST TO
21 THE ATTENDING PROVIDER AT ANY TIME AFTER MAKING THE INITIAL ORAL
22 REQUEST.

23 (2) (c) ~~Neither~~ The individual's attending ~~physician~~ ~~nor~~ OR
24 CONSULTING PROVIDER OR a person authorized as the individual's
25 qualified power of attorney or durable medical power of attorney shall
26 NOT serve as a witness to the written request.

27 **SECTION 4.** In Colorado Revised Statutes, 25-48-105, **amend**

1 (2) as follows:

2 **25-48-105. Right to rescind request - requirement to offer**
3 **opportunity to rescind.** (2) An attending ~~physician~~ PROVIDER shall not
4 write a prescription for medical aid-in-dying medication under this ~~article~~
5 ARTICLE 48 unless the attending ~~physician~~ PROVIDER offers the qualified
6 individual an opportunity to rescind the request for the medical
7 aid-in-dying medication.

8 **SECTION 5.** In Colorado Revised Statutes, 25-48-106, **amend**
9 (1) introductory portion, (1)(d), (1)(f), (1)(h) introductory portion,
10 (1)(h)(IV), (1)(i), and (1)(l); and **repeal** (1)(b) as follows:

11 **25-48-106. Attending provider responsibilities.** (1) The
12 attending ~~physician~~ PROVIDER shall:

13 (b) ~~Request that the individual demonstrate Colorado residency by~~
14 ~~providing documentation as described in section 25-48-102 (14);~~

15 (d) Refer the individual to a consulting ~~physician~~ PROVIDER for
16 medical confirmation of the diagnosis and prognosis and for a
17 determination of whether the individual is mentally capable, ~~is~~ making an
18 informed decision, and acting voluntarily;

19 (f) Refer the individual to a licensed mental health professional
20 pursuant to section 25-48-108 if the attending ~~physician~~ ~~believes that the~~
21 ~~individual may not be mentally capable of making an informed decision~~
22 PROVIDER OBSERVES SIGNS THAT THE INDIVIDUAL MAY NOT BE CAPABLE
23 OF MAKING AN INFORMED DECISION;

24 (h) ~~Counsel~~ EDUCATE the individual about the importance of:

25 (IV) Notifying ~~his or her~~ THE INDIVIDUAL'S next of kin OR ANY
26 PERSON WHO PLAYS A SIGNIFICANT ROLE IN THE INDIVIDUAL'S LIFE, WHICH
27 MAY INCLUDE A PERSON NOT LEGALLY RELATED TO THE INDIVIDUAL, of

1 the request for medical aid-in-dying medication;

2 (i) Inform the individual that ~~he or she~~ THE INDIVIDUAL may
3 rescind the request for medical aid-in-dying medication at any time ~~and~~
4 ~~in any manner~~ PURSUANT TO THIS ARTICLE 48;

5 (l) Either:

6 (I) Dispense medical aid-in-dying medications directly to the
7 qualified individual, including ancillary medications intended to minimize
8 the individual's discomfort, if the attending ~~physician~~ PROVIDER has a
9 current drug enforcement administration certificate and complies with any
10 applicable administrative rule; or

11 (II) Deliver the written prescription personally, by mail, or
12 through authorized electronic transmission in the manner permitted under
13 article 280 of title 12, to a licensed pharmacist, who shall dispense the
14 medical aid-in-dying medication to the qualified individual, the attending
15 ~~physician~~ PROVIDER, or an individual expressly designated by the
16 qualified individual.

17 **SECTION 6.** In Colorado Revised Statutes, **amend** 25-48-107 as
18 follows:

19 **25-48-107. Consulting provider responsibilities.** (1) Before an
20 individual who is requesting medical aid-in-dying medication may receive
21 a prescription for the medical aid-in-dying medication, a consulting
22 ~~physician~~ PROVIDER must:

23 ~~(1)~~ (a) Examine the individual and ~~his or her~~ THE INDIVIDUAL'S
24 relevant medical records; AND

25 ~~(2)~~ (b) Confirm, in writing, to the attending ~~physician~~ PROVIDER
26 THAT THE INDIVIDUAL:

27 ~~(a)~~ (I) ~~That the individual~~ Has a terminal illness;

1 ~~(b)~~ (II) ~~The individual~~ Has a prognosis of six months or less;
2 ~~(c)~~ (III) ~~That the individual~~ Is making an informed decision; ~~and~~
3 ~~(d)~~ (IV) ~~That the individual~~ Is mentally capable, or provide
4 documentation that the consulting ~~physician~~ PROVIDER has referred the
5 individual for further evaluation in accordance with section 25-48-108;
6 AND
7 (V) HAS REQUESTED A PRESCRIPTION FOR MEDICAL AID-IN-DYING
8 MEDICATION.

9 **SECTION 7.** In Colorado Revised Statutes, **repeal and reenact,**
10 **with amendments,** 25-48-108 as follows:

11 **25-48-108. Confirmation that individual is mentally capable**
12 **- referral to mental health professional.** (1) IF EITHER THE ATTENDING
13 PROVIDER OR THE CONSULTING PROVIDER HAS DOUBTS AS TO WHETHER AN
14 INDIVIDUAL IS MENTALLY CAPABLE, THE PROVIDER SHALL REFER THE
15 INDIVIDUAL TO A LICENSED MENTAL HEALTH PROVIDER FOR
16 DETERMINATION REGARDING MENTAL CAPABILITY.

17 (2) THE LICENSED MENTAL HEALTH PROVIDER TO WHOM THE
18 INDIVIDUAL IS REFERRED PURSUANT TO SUBSECTION (1) OF THIS SECTION
19 SHALL SUBMIT TO THE REQUESTING ATTENDING PROVIDER OR THE
20 CONSULTING PROVIDER WHO REFERRED THE INDIVIDUAL A WRITTEN
21 DETERMINATION OF WHETHER THE INDIVIDUAL IS MENTALLY CAPABLE.

22 (3) IF THE LICENSED MENTAL HEALTH PROVIDER DETERMINES THAT
23 THE INDIVIDUAL IS NOT MENTALLY CAPABLE, THE INDIVIDUAL IS NOT A
24 QUALIFIED INDIVIDUAL AND THE ATTENDING PROVIDER SHALL NOT
25 PRESCRIBE MEDICATION TO THE INDIVIDUAL UNDER THIS ARTICLE 48.

26 **SECTION 8.** In Colorado Revised Statutes, 25-48-109, **amend**
27 (1) as follows:

1 **25-48-109. Death certificate.** (1) Unless otherwise prohibited by
2 law, the attending ~~physician~~ PROVIDER or the hospice medical director
3 shall sign the death certificate of a qualified individual who obtained and
4 self-administered MEDICAL aid-in-dying medication.

5 **SECTION 9.** In Colorado Revised Statutes, 25-48-110, **amend**
6 (2) as follows:

7 **25-48-110. Informed decision required.** (2) Immediately before
8 writing a prescription for medical aid-in-dying medication under this
9 ~~article~~ ARTICLE 48, the attending ~~physician~~ PROVIDER shall verify that the
10 individual with a terminal illness is making an informed decision.

11 **SECTION 10.** In Colorado Revised Statutes, 25-48-111, **amend**
12 (1) introductory portion, (1)(c), (1)(d), and (1)(g) as follows:

13 **25-48-111. Medical record documentation requirements -**
14 **reporting requirements - department compliance reviews - rules.**

15 (1) The attending ~~physician~~ PROVIDER shall document in the individual's
16 medical record, the following information:

17 (c) The attending ~~physician's~~ PROVIDER'S diagnosis and prognosis,
18 determination of mental capacity, and that the individual is making a
19 voluntary request and an informed decision;

20 (d) The consulting ~~physician's~~ PROVIDER'S confirmation of
21 diagnosis and prognosis, mental capacity, and that the individual is
22 making an informed decision;

23 (g) A notation by the attending ~~physician~~ PROVIDER that all
24 requirements under this ~~article~~ ARTICLE 48 have been satisfied AND
25 indicating steps taken to carry out the request, including a notation of the
26 medical aid-in-dying medications prescribed and when.

27 **SECTION 11.** In Colorado Revised Statutes, **amend** 25-48-112

1 as follows:

2 **25-48-112. Form of written request.** (1) A request for medical
3 aid-in-dying medication authorized by this ~~article~~ ARTICLE 48 must be in
4 substantially the following form:

5 Request for medication to end my life
6 in a peaceful manner

7 I, _____ am an adult of sound mind. I am suffering from _____,
8 which my attending ~~physician~~ PROVIDER has determined is a terminal
9 illness and which has been medically confirmed. I have been fully
10 informed of my diagnosis and prognosis of six months or less, the nature
11 of the medical aid-in-dying medication to be prescribed and potential
12 associated risks, the expected result, and the feasible alternatives or
13 additional treatment opportunities, including comfort care, palliative care,
14 hospice care, and pain control.

15 I request that my attending ~~physician~~ PROVIDER prescribe medical
16 aid-in-dying medication that will end my life in a peaceful manner if I
17 choose to take it, and I authorize my attending ~~physician~~ PROVIDER to
18 contact any pharmacist about my request.

19 I understand that I have the right to rescind this request at any time.
20 ~~I understand the seriousness of this request, and I expect to die if I take~~
21 ~~the aid-in-dying medication prescribed.~~

22 I further understand that although most deaths occur within three hours,
23 my death may take longer, and my attending ~~physician~~ PROVIDER has
24 counseled me about this possibility. I make this request voluntarily,
25 without reservation, and without being coerced, and I accept full
26 responsibility for my actions.

27 Signed: _____

1 Dated: _____

2 Declaration of witnesses

3 We declare that the individual signing this request:

4 Is personally known to us or has provided proof of identity;

5 Signed this request in our presence;

6 Appears to be of sound mind and not under duress, coercion, or undue

7 influence; and

8 I am not the attending ~~physician~~ PROVIDER for the individual.

9 _____ witness 1/date

10 _____ witness 2/date

11 Note: Of the two witnesses to the written request, at least one must not:

12 Be a relative (by blood, marriage, civil union, or adoption) of the

13 individual signing this request; be entitled to any portion of the

14 individual's estate upon death; or own, operate, or be employed at a

15 health-care facility where the individual is a patient or resident.

16 And neither the individual's attending ~~physician~~ OR CONSULTING

17 PROVIDER nor a person authorized as the individual's qualified power of

18 attorney or durable medical power of attorney shall serve as a witness to

19 the written request.

20 **SECTION 12.** In Colorado Revised Statutes, 25-48-116, **amend**

21 (3) introductory portion as follows:

22 **25-48-116. Immunity for actions in good faith - prohibition**

23 **against reprisals.** (3) A request by an individual for, or the provision by

24 an attending ~~physician~~ PROVIDER of, medical aid-in-dying medication in

25 good faith compliance with this ~~article~~ ARTICLE 48 does not:

26 **SECTION 13.** In Colorado Revised Statutes, 25-48-117, **amend**

27 (2); and **add** (3) as follows:

1 **25-48-117. No duty to prescribe or dispense.** (2) If a
2 health-care provider is unable or unwilling to carry out an individual's
3 request for medical aid-in-dying medication made in accordance with this
4 ~~article, and the individual transfers his or her care to a new health-care~~
5 ~~provider, the prior health-care provider shall transfer, upon request, a~~
6 ~~copy of the individual's relevant medical records to the new health-care~~
7 ~~provider.~~ ARTICLE 48, THE PROVIDER SHALL:

8 (a) INFORM THE INDIVIDUAL OF THE PROVIDER'S INABILITY OR
9 UNWILLINGNESS; AND

10 (b) NOTE THE INDIVIDUAL'S DATE OF REQUEST AND PROVIDER'S
11 NOTICE TO THE INDIVIDUAL OF THE PROVIDER'S INABILITY OR
12 UNWILLINGNESS TO CARRY OUT THE INDIVIDUAL'S REQUEST IN THE
13 MEDICAL RECORD.

14 (3) IF THE INDIVIDUAL TRANSFERS THE INDIVIDUAL'S CARE TO A
15 NEW HEALTH-CARE PROVIDER, THE PRIOR HEALTH-CARE PROVIDER SHALL
16 TRANSFER, UPON REQUEST, A COPY OF THE INDIVIDUAL'S RELEVANT
17 MEDICAL RECORDS TO THE NEW HEALTH-CARE PROVIDER.

18 **SECTION 14.** In Colorado Revised Statutes, 25-48-118, **amend**
19 (1); and **add** (2.5) and (2.7) as follows:

20 **25-48-118. Health-care facility permissible prohibitions -**
21 **sanctions if provider violates policy.** (1) A health-care facility may
22 prohibit a ~~physician~~ PROVIDER employed or under contract from writing
23 a prescription for medical aid-in-dying medication for a qualified
24 individual who intends to use the medical aid-in-dying medication on the
25 facility's premises. The health-care facility must notify the ~~physician~~
26 PROVIDERS AND STAFF AT THE TIME OF HIRING, CONTRACTING WITH, OR
27 PRIVILEGING AND ON A YEARLY BASIS THEREAFTER in writing of its policy

1 with regard to prescriptions for medical aid-in-dying medication. A
2 health-care facility that fails to provide EXPLICIT advance notice to the
3 ~~physician~~ PROVIDERS AND STAFF shall not ~~be entitled to~~ enforce such a
4 policy. ~~against the physician.~~

5 (2.5) A HEALTH-CARE FACILITY SHALL NOT PROHIBIT A PROVIDER
6 FROM FULFILLING THE FOLLOWING REQUIREMENTS OF INFORMED CONSENT
7 AND MEETING THE STANDARD OF MEDICAL CARE BY:

8 (a) PROVIDING INFORMATION TO AN INDIVIDUAL REGARDING THE
9 INDIVIDUAL'S HEALTH STATUS, INCLUDING DIAGNOSIS, PROGNOSIS,
10 RECOMMENDED TREATMENT, AND TREATMENT ALTERNATIVES, INCLUDING
11 THE RISKS AND BENEFITS OF THE RECOMMENDED TREATMENT AND EACH
12 TREATMENT ALTERNATIVE;

13 (b) PROVIDING INFORMATION REGARDING HEALTH-CARE SERVICES
14 AVAILABLE PURSUANT TO THIS ARTICLE 48, INFORMATION ABOUT
15 RELEVANT COMMUNITY RESOURCES, AND INFORMATION ABOUT HOW THE
16 INDIVIDUAL CAN ACCESS THOSE SERVICES AND RESOURCES TO RECEIVE
17 CARE;

18 (c) PRACTICING MEDICAL AID-IN-DYING OUTSIDE THE SCOPE OF
19 THE PROVIDER'S EMPLOYMENT OR CONTRACT WITH THE FACILITY AND OFF
20 THE PREMISES OF THE FACILITY; OR

21 (d) BEING PRESENT WHEN A QUALIFIED INDIVIDUAL
22 SELF-ADMINISTERS MEDICATION PRESCRIBED PURSUANT TO THIS ARTICLE
23 48 OR AT THE TIME OF THE INDIVIDUAL'S DEATH, IF REQUESTED BY THE
24 QUALIFIED INDIVIDUAL OR THE INDIVIDUAL'S REPRESENTATIVE, AND IF
25 ACTING OUTSIDE THE SCOPE OF THE PROVIDER'S EMPLOYMENT OR
26 CONTRACTUAL DUTIES.

27 (2.7) A HEALTH-CARE FACILITY THAT PROHIBITS A PROVIDER,

1 WHILE PERFORMING DUTIES FOR THE FACILITY, FROM DETERMINING
2 WHETHER AN INDIVIDUAL IS A QUALIFIED INDIVIDUAL OR FROM
3 PRESCRIBING OR DISPENSING MEDICATION PURSUANT TO THIS ARTICLE 48
4 SHALL PROVIDE NOTICE OF THIS PROHIBITION TO THE PUBLIC BY POSTING
5 THE NOTICE ON THE HEALTH-CARE FACILITY'S PUBLIC-FACING WEBSITE.

6 **SECTION 15.** In Colorado Revised Statutes, **amend** 25-48-120
7 as follows:

8 **25-48-120. Safe disposal of unused medical aid-in-dying**
9 **medications.** (1) A person who has custody or control of medical
10 aid-in-dying medication dispensed under this ~~article that the terminally ill~~
11 ~~individual decides not to use or that remains unused~~ ARTICLE 48 after the
12 A terminally ill individual's death shall dispose of the unused medical
13 aid-in-dying medication either by:

14 ~~(1)~~ (a) Returning the unused medical aid-in-dying medication to
15 the attending ~~physician~~ PROVIDER who prescribed the medical
16 aid-in-dying medication, who shall dispose of the unused medical
17 aid-in-dying medication in the manner required by law; or

18 ~~(2)~~ (b) Lawful means in accordance with section 25-15-328,
19 ~~C.R.S.~~ or any other state or federally approved medication take-back
20 program authorized under the federal "Secure and Responsible Drug
21 Disposal Act of 2010", Pub.L. 111-273, and regulations adopted pursuant
22 to the federal act.

23 **SECTION 16.** In Colorado Revised Statutes, **amend** 25-48-121
24 as follows:

25 **25-48-121. Actions complying with article not a crime.** Nothing
26 in this ~~article~~ ARTICLE 48 authorizes a ~~physician~~ PROVIDER or any other
27 person to end an individual's life by lethal injection, mercy killing, or

1 euthanasia. Actions taken in accordance with this ~~article~~ ARTICLE 48 do
2 not, for any purpose, constitute suicide, assisted suicide, mercy killing,
3 homicide, or elder abuse under the "Colorado Criminal Code", as set forth
4 in title 18. ~~C.R.S.~~

5 **SECTION 17.** In Colorado Revised Statutes, **amend** 25-48-122
6 as follows:

7 **25-48-122. Claims by government entity for costs.** A
8 government entity that incurs costs resulting from ~~an individual~~
9 ~~terminating his or her life pursuant to this article~~ SELF-ADMINISTRATION
10 OF MEDICATION PRESCRIBED UNDER THIS ARTICLE 48 in a public place has
11 a claim against the estate of the individual to recover the costs and
12 reasonable attorney fees related to enforcing the claim.

13 **SECTION 18.** In Colorado Revised Statutes, **add** 25-48-124 as
14 follows:

15 **25-48-124. Severability.** IF ANY PART OF THIS ARTICLE 48 IS
16 FOUND TO BE IN CONFLICT WITH FEDERAL REQUIREMENTS THAT ARE A
17 PRESCRIBED CONDITION FOR RECEIPT OF FEDERAL FUNDS, THE
18 CONFLICTING PART OF THIS SECTION IS INOPERATIVE SOLELY TO THE
19 EXTENT OF THE CONFLICT, AND THE CONFLICT DOES NOT AFFECT THE
20 OPERATION OF THE REMAINDER OF THIS ARTICLE 48.

21 **SECTION 19.** In Colorado Revised Statutes, 10-7-103, **add** (3)
22 as follows:

23 **10-7-103. Life insurance policies - prohibition.** (3) A LIFE
24 INSURANCE COMPANY DOING BUSINESS IN COLORADO SHALL NOT DENY OR
25 ALTER BENEFITS OTHERWISE AVAILABLE TO AN INDIVIDUAL WITH A
26 TERMINAL DISEASE BASED ON THE AVAILABILITY OF MEDICAL
27 AID-IN-DYING PURSUANT TO ARTICLE 48 OF TITLE 25.

1 **SECTION 20.** In Colorado Revised Statutes, **add** 10-16-167 as
2 follows:

3 **10-16-167. Medical aid-in-dying - carrier prohibitions.** (1) A
4 CARRIER SHALL NOT:

5 (a) DENY OR ALTER BENEFITS OTHERWISE AVAILABLE TO A
6 COVERED INDIVIDUAL WITH A TERMINAL DISEASE BASED ON THE
7 AVAILABILITY OF MEDICAL AID-IN-DYING PURSUANT TO ARTICLE 48 OF
8 TITLE 25.

9 (b) ATTEMPT TO COERCE AN INDIVIDUAL WITH A TERMINAL
10 DISEASE TO MAKE A REQUEST FOR MEDICAL AID-IN-DYING MEDICATION.

11 **SECTION 21. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly; except
14 that, if a referendum petition is filed pursuant to section 1 (3) of article V
15 of the state constitution against this act or an item, section, or part of this
16 act within such period, then the act, item, section, or part will not take
17 effect unless approved by the people at the general election to be held in
18 November 2024 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.