

# HOUSE BILL No. 5076

October 10, 2017, Introduced by Reps. Noble, Johnson, Vaupel, Leutheuser, Kahle, Marino, Lucido, Kelly, Cole, Glenn, Brann, Victory, Crawford, Howrylak, VanderWall and Howell and referred to the Committee on Families, Children, and Seniors.

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13 MEDICATION, HYDRATION, OR NUTRITION THAT, IF WITHHELD OR WITHDRAWN,  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.