

104TH CONGRESS  
2D SESSION

# H. R. 3123

To amend title XVIII and title XIX of the Social Security Act to prohibit expenditures under the Medicare program and Federal financial participation under the Medicaid program for assisted suicide, euthanasia, or mercy killing, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 1996

Mr. CAMP introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII and title XIX of the Social Security Act to prohibit expenditures under the Medicare program and Federal financial participation under the Medicaid program for assisted suicide, euthanasia, or mercy killing, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Integrity in Medical  
5       Funding Act of 1996”.

1 **SEC. 2. RESTRICTING TREATMENT OF ASSISTED SUICIDE**  
2 **OR RELATED EXPENDITURES UNDER MEDI-**  
3 **CARE.**

4 (a) PROHIBITION OF EXPENDITURES.—Section  
5 1862(a) of the Social Security Act (42 U.S.C. 1395y(a))  
6 is amended—

7 (1) by striking “or” at the end of paragraph  
8 (14);

9 (2) by striking the period at the end of para-  
10 graph (15) and inserting “; or”; and

11 (3) by inserting after paragraph (15) the fol-  
12 lowing new paragraph:

13 “(16) where such expenses are for items or  
14 services, or to assist in the purchase, in whole or in  
15 part, of health benefit coverage that includes items  
16 or services, for the purpose of causing, or assisting  
17 in causing, the death, suicide, euthanasia, or mercy  
18 killing of a person.”.

19 (b) TREATMENT OF ADVANCE DIRECTIVES.—Section  
20 1866(f) (42 U.S.C. 1395cc(f)) is amended by adding at  
21 the end the following new paragraph:

22 “(4) Nothing in this subsection shall be construed to  
23 require any provider of services or prepaid or eligible orga-  
24 nization, or any employee of such a provider or organiza-  
25 tion, to inform or counsel any individual regarding any  
26 service which intentionally causes the death of any individ-

1 ual, such as assisted suicide, euthanasia, or mercy kill-  
 2 ing.”.

3 (c) EFFECTIVE DATE.—The amendments made by  
 4 this section shall apply to items and services furnished on  
 5 or after the date of the enactment of this Act.

6 **SEC. 3. PROHIBITION OF FEDERAL FINANCIAL PARTICIPA-**  
 7 **TION UNDER MEDICAID FOR ASSISTED SUI-**  
 8 **CIDE OR RELATED EXPENDITURES.**

9 (a) IN GENERAL.—Section 1903(i) of the Social Se-  
 10 curity Act (42 U.S.C. 1396b(i)) is amended—

11 (1) by striking “or” at the end of paragraph  
 12 (14);

13 (2) by striking the period at the end of para-  
 14 graph (15) and inserting “; or”; and

15 (3) by inserting after paragraph (15) the fol-  
 16 lowing new paragraph:

17 “(16) with respect to any amount expended for  
 18 items or services, or to assist in the purchase, in  
 19 whole or in part, of health benefit coverage that in-  
 20 cludes items or services, for the purpose of causing,  
 21 or assisting in causing, the death, suicide, eutha-  
 22 nasia, or mercy killing of a person.”.

23 (b) EFFECTIVE DATE.—The amendments made by  
 24 this section shall apply with respect to medical assistance

1 furnished during quarters beginning on or after the date  
2 of the enactment of this Act.

3 **SEC. 4. PREEMPTION OF LIMITS ON MALPRACTICE AWARDS**  
4 **ARISING FROM INTENTIONALLY CAUSING**  
5 **THE DEATH OF ANY INDIVIDUAL.**

6 (a) IN GENERAL.—No provision of State or Federal  
7 law shall apply that limits the amount of damages which  
8 may be awarded under a health care liability action if the  
9 injury which is the subject of the action arises from the  
10 provision of any medical item or service for the purpose  
11 of causing the death of any individual, or from the failure  
12 to provide any medical item or service to an individual  
13 against the direction of the individual or the individual’s  
14 agent or surrogate for the purpose of causing the death  
15 of the individual.

16 (b) HEALTH CARE LIABILITY ACTION DEFINED.—  
17 The term “health care liability action” means a civil action  
18 brought in a State or Federal court against a health care  
19 provider, an entity which is obligated to provide or pay  
20 for health benefits under any health benefit plan (includ-  
21 ing any person or entity acting under a contract or ar-  
22 rangement to provide or administer any health benefit),  
23 or the manufacturer, distributor, supplier, marketer, pro-  
24 moter, or seller of a medical product, in which the claim-  
25 ant alleges a claim (including third party claims, cross

1 claims, counter claims, or distribution claims) based upon  
2 the provision of (or the failure to provide or pay for)  
3 health care services or the use of a medical product, re-  
4 gardless of the theory of liability on which the claim is  
5 based or the number of plaintiffs, defendants, or causes  
6 of action.

7 (c) EFFECTIVE DATE.—This section shall apply with  
8 respect to any health care liability action which is initiated  
9 on or after the date of the enactment of this Act.

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