

114TH CONGRESS
1ST SESSION

S. 2204

To respect the Constitutional entitlement to liberty by recognizing the right of an individual to have personal control over the medical assistance and treatment necessary to alleviate intolerable physical suffering.

IN THE SENATE OF THE UNITED STATES

OCTOBER 22, 2015

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To respect the Constitutional entitlement to liberty by recognizing the right of an individual to have personal control over the medical assistance and treatment necessary to alleviate intolerable physical suffering.

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 “End of Suffering Act
5 of 2015”.

1 **SEC. 2. ENSURING PERSONAL CONTROL OVER MEDICAL AS-**
2 **SISTANCE AND TREATMENT.**

3 (a) IN GENERAL.—No Federal or State law, regula-
4 tion, or agency action shall restrict the right of an adult
5 who is suffering from an advanced illness with intolerable
6 pain or a medically certified terminal illness, to receive
7 medication or treatment from a physician for the relief
8 of pain and other symptoms that limit activities of daily
9 living.

10 (b) LIMITATION ON LIABILITY.—A physician who
11 treats an individual described in subsection (a) with a
12 medication or treatment sufficient to control pain and
13 other symptoms of the illness involved shall not be subject
14 to criminal or civil prosecution or professional disciplinary
15 action if the physician obtains the informed consent of the
16 patient in accordance with section 3 as provided for by
17 the Secretary.

18 (c) RULE OF CONSTRUCTION.—Nothing in this Act
19 shall be construed to permit an individual to receive medi-
20 cation or treatment under subsection (a) based solely on
21 the age or disability of the individual.

22 **SEC. 3. INFORMED CONSENT.**

23 Not later than 1 year after the date of enactment
24 of this Act, the Secretary of Health and Human Services
25 shall develop a written informed consent form that shall
26 document the patient's informed decision and be signed

1 and dated by the patient, and witnessed by at least two
2 individuals, for use under this Act, and issue guidance on
3 situations where the use of such form is required.

4 **SEC. 4. DEFINITIONS.**

5 In this Act:

6 (1) ADULT.—The term “adult” means a men-
7 tally competent individual who has attained the legal
8 age for consent to medications or treatments de-
9 scribed in section 2(a), under the applicable law of
10 the jurisdiction in which the medication or treatment
11 will be received, as long as that age is at least 18
12 years of age.

13 (2) ADVANCED ILLNESS WITH INTOLERABLE
14 PAIN.—The term “advanced illness with intolerable
15 pain” occurs when pain associated with one or more
16 incurable and life-threatening conditions becomes in-
17 tolerable enough that general health and functioning
18 decline, treatment begins to lose its effect, and qual-
19 ity of life increasingly becomes the focus of care, a
20 process that continues to the end of life.

21 (3) INFORMED DECISION.—The term “informed
22 decision” means a decision by an adult, to receive a
23 medication described in section 3, that is based on
24 an appreciation of the relevant facts and after being
25 fully informed by a physician of—

- 1 (A) his or her medical diagnosis;
- 2 (B) his or her prognosis;
- 3 (C) the potential risks associated with tak-
- 4 ing the medication to be prescribed; and
- 5 (D) the feasible alternatives.

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