

REFERENCE TITLE: end-of-life decisions; terminally ill individuals

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **SB 1530**

Introduced by  
Senators Burch: Alston, Bravo, Fernandez, Mendez, Sundareshan

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 33;  
RELATING TO END-OF-LIFE DECISIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, Arizona Revised Statutes, is amended by adding  
3 chapter 33, to read:

4 CHAPTER 33

5 MEDICAL AID IN DYING

6 ARTICLE 1. GENERAL PROVISIONS

7 36-3301. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "ADULT" MEANS AN INDIVIDUAL WHO IS AT LEAST EIGHTEEN YEARS OF  
10 AGE.

11 2. "ATTENDING PHYSICIAN" MEANS A PERSON WHO IS QUALIFIED BY  
12 SPECIALTY OR EXPERIENCE TO DETERMINE AN INDIVIDUAL'S ELIGIBILITY TO PURSUE  
13 MEDICAL AID IN DYING UNDER THIS ARTICLE, WHO AGREES TO WRITE THE  
14 PRESCRIPTIONS AND WHO TAKES RESPONSIBILITY FOR COUNSELING THE INDIVIDUAL,  
15 MAKING CARE DECISIONS, ENSURING COMPLIANCE WITH THIS ARTICLE AND  
16 SUBMITTING PROPER DOCUMENTATION TO THE DEPARTMENT.

17 3. "CAPACITY" MEANS AN INDIVIDUAL'S ABILITY, AS DETERMINED BY  
18 PROFESSIONAL STANDARDS OF CARE, TO UNDERSTAND AND APPRECIATE HEALTH CARE  
19 OPTIONS AVAILABLE TO THE INDIVIDUAL, INCLUDING SIGNIFICANT BENEFITS AND  
20 RISKS, AND TO MAKE AND COMMUNICATE AN INFORMED HEALTH CARE DECISION.

21 4. "COERCION OR UNDUE INFLUENCE" MEANS THE WILFUL ATTEMPT, WHETHER  
22 BY DECEPTION, INTIMIDATION OR ANY OTHER MEANS, TO CAUSE AN INDIVIDUAL TO  
23 REQUEST, OBTAIN OR SELF-ADMINISTER MEDICATION PURSUANT TO THIS ARTICLE  
24 WITH INTENT TO CAUSE THE DEATH OF THE INDIVIDUAL OR TO PREVENT THE  
25 INDIVIDUAL FROM OBTAINING OR SELF-ADMINISTERING MEDICATION PURSUANT TO  
26 THIS ARTICLE.

27 5. "CONSULTING PHYSICIAN" MEANS A PHYSICIAN WHO IS QUALIFIED BY  
28 SPECIALTY OR EXPERIENCE TO MAKE A PROFESSIONAL DIAGNOSIS AND PROGNOSIS  
29 REGARDING AN INDIVIDUAL'S DISEASE.

30 6. "COUNSELING" MEANS ONE OR MORE CONSULTATIONS AS NECESSARY  
31 BETWEEN A MENTAL HEALTH PROFESSIONAL AND AN INDIVIDUAL TO DETERMINE  
32 WHETHER THE INDIVIDUAL HAS CAPACITY AND IS NOT SUFFERING FROM A  
33 PSYCHIATRIC OR PSYCHOLOGICAL DISORDER OR DEPRESSION CAUSING IMPAIRED  
34 JUDGMENT.

35 7. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

36 8. "HEALTH CARE FACILITY":

37 (a) MEANS A HOSPITAL, MEDICAL CLINIC, NURSING HOME OR INPATIENT  
38 HOSPICE FACILITY OR ANY OTHER LICENSED HEALTH CARE INSTITUTION WHERE THE  
39 DELIVERY OF HEALTH CARE IS FACILITATED.

40 (b) DOES NOT INCLUDE AN INDIVIDUAL HEALTH CARE PROVIDER.

41 9. "HEALTH CARE PROVIDER":

42 (a) MEANS A PERSON WHO IS LICENSED, CERTIFIED OR OTHERWISE  
43 AUTHORIZED OR ALLOWED BY THE LAWS OF THIS STATE TO ADMINISTER HEALTH CARE  
44 OR DISPENSE MEDICATION IN THE ORDINARY COURSE OF BUSINESS OR PRACTICE OF A  
45 PROFESSION.

- 1 (b) DOES NOT INCLUDE A HEALTH CARE FACILITY.  
2 10. "INFORMED DECISION" MEANS A VOLUNTARY AFFIRMATIVE DECISION THAT  
3 IS ALL OF THE FOLLOWING:  
4 (a) MADE BY A QUALIFIED INDIVIDUAL TO REQUEST AND OBTAIN A  
5 PRESCRIPTION FOR MEDICATION THAT THE INDIVIDUAL WILL SELF-ADMINISTER TO  
6 END THE INDIVIDUAL'S LIFE IN A HUMANE AND DIGNIFIED MANNER.  
7 (b) BASED ON AN APPRECIATION OF THE RELEVANT FACTS.  
8 (c) MADE AFTER THE ATTENDING PHYSICIAN FULLY INFORMS THE INDIVIDUAL  
9 OF ALL OF THE FOLLOWING:  
10 (i) THE INDIVIDUAL'S MEDICAL DIAGNOSIS.  
11 (ii) THE INDIVIDUAL'S PROGNOSIS.  
12 (iii) THE POTENTIAL RISKS ASSOCIATED WITH TAKING THE MEDICATION TO  
13 BE PRESCRIBED.  
14 (iv) THE PROBABLE RESULT OF TAKING THE MEDICATION TO BE PRESCRIBED.  
15 (v) THE FEASIBLE ALTERNATIVES AND CONCURRENT OR ADDITIONAL  
16 TREATMENT OPPORTUNITIES FOR THE INDIVIDUAL'S TERMINAL ILLNESS, INCLUDING  
17 COMFORT CARE, PALLIATIVE CARE, HOSPICE CARE, PAIN CONTROL AND  
18 DISEASE-DIRECTED TREATMENT OPTIONS, AS WELL AS THE RISKS AND BENEFITS OF  
19 EACH ALTERNATIVE.  
20 11. "MEDICAL AID IN DYING" MEANS THE PRACTICE OF EVALUATING A  
21 REQUEST FROM, DETERMINING QUALIFICATION FOR AND PROVIDING A PRESCRIPTION  
22 FOR MEDICATION TO A QUALIFIED INDIVIDUAL PURSUANT TO THIS ARTICLE.  
23 12. "MEDICALLY CONFIRM" MEANS THAT A CONSULTING PHYSICIAN WHO HAS  
24 EXAMINED THE INDIVIDUAL AND THE INDIVIDUAL'S RELEVANT MEDICAL RECORDS  
25 CONFIRMS THE MEDICAL OPINION OF THE ATTENDING PHYSICIAN.  
26 13. "MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHIATRIST,  
27 PSYCHOLOGIST OR PSYCHIATRIC NURSE PRACTITIONER WHO IS LICENSED BY THIS  
28 STATE.  
29 14. "PHYSICIAN" MEANS A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE  
30 32, CHAPTER 13 OR 17.  
31 15. "PRESCRIPTION FOR MEDICATION" MEANS A PRESCRIPTION THAT IS  
32 WRITTEN BY AN ATTENDING PHYSICIAN FOR MEDICATION FOR A QUALIFIED  
33 INDIVIDUAL TO SELF-ADMINISTER TO BRING ABOUT A PEACEFUL DEATH IN  
34 ACCORDANCE WITH THIS ARTICLE.  
35 16. "QUALIFIED INDIVIDUAL" MEANS A TERMINALLY ILL ADULT WITH  
36 CAPACITY WHO IS A RESIDENT OF THIS STATE AND WHO HAS SATISFIED THE  
37 REQUIREMENTS OF THIS ARTICLE IN ORDER TO OBTAIN A PRESCRIPTION FOR  
38 MEDICATION.  
39 17. "SELF-ADMINISTER":  
40 (a) MEANS AN AFFIRMATIVE, CONSCIOUS VOLUNTARY ACT BY A QUALIFIED  
41 INDIVIDUAL TO INGEST THE PRESCRIPTION MEDICATION.  
42 (b) DOES NOT INCLUDE THE ADMINISTRATION OF PRESCRIPTION MEDICATION  
43 BY AN INJECTION OR INTRAVENOUS INFUSION.

1 18. "TELEMEDICINE" MEANS THE DELIVERY OF HEALTH CARE SERVICES SUCH  
2 AS DIAGNOSIS, CONSULTATION OR TREATMENT THROUGH THE USE OF LIVE  
3 INTERACTIVE AUDIO AND VIDEO OVER A SECURE CONNECTION THAT COMPLIES WITH  
4 THE REQUIREMENTS OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY  
5 ACT (P.L. 104-191).

6 19. "TERMINAL ILLNESS" OR "TERMINALLY ILL" MEANS AN INCURABLE  
7 ILLNESS THAT WILL, WITHIN REASONABLE MEDICAL JUDGMENT, RESULT IN DEATH  
8 WITHIN SIX MONTHS.

9 36-3302. Prescription for medication; written request;  
10 initiation

11 AN ADULT RESIDENT OF THIS STATE WHO HAS CAPACITY, WHOM THE ATTENDING  
12 PHYSICIAN AND CONSULTING PHYSICIAN HAVE DETERMINED IS SUFFERING FROM A  
13 TERMINAL ILLNESS AND WHO HAS VOLUNTARILY EXPRESSED A WISH TO DIE MAY MAKE  
14 A WRITTEN REQUEST FOR A PRESCRIPTION FOR MEDICATION.

15 36-3303. Form of request; translation; witnesses; signatures

16 A. A VALID REQUEST FOR A PRESCRIPTION FOR MEDICATION MUST BE IN  
17 SUBSTANTIALLY THE FORM DESCRIBED IN SECTION 36-3323, BE SIGNED AND DATED  
18 BY THE QUALIFIED INDIVIDUAL AND BE WITNESSED BY TWO INDIVIDUALS WHO, IN  
19 THE PRESENCE OF THE QUALIFIED INDIVIDUAL, ATTEST THAT TO THE BEST OF THEIR  
20 KNOWLEDGE AND BELIEF THE QUALIFIED INDIVIDUAL HAS CAPACITY, IS ACTING  
21 VOLUNTARILY AND IS NOT BEING COERCED TO SIGN THE REQUEST. A PERSON WHO  
22 DOES NOT SPEAK ENGLISH MAY HAVE THE WRITTEN REQUEST FORM TRANSLATED INTO  
23 THE PERSON'S PRIMARY LANGUAGE FOR SIGNATURE.

24 B. ONE OF THE WITNESSES MUST BE AN INDIVIDUAL WHO IS NOT ANY OF THE  
25 FOLLOWING:

26 1. RELATED TO THE QUALIFIED INDIVIDUAL BY BLOOD, MARRIAGE, ADOPTION  
27 OR REGISTERED DOMESTIC PARTNERSHIP.

28 2. AT THE TIME THE REQUEST IS SIGNED, ENTITLED TO ANY PORTION OF  
29 THE QUALIFIED INDIVIDUAL'S ESTATE ON THE QUALIFIED INDIVIDUAL'S DEATH  
30 UNDER ANY WILL OR BY OPERATION OF LAW.

31 3. AT THE TIME THE REQUEST IS SIGNED, THE QUALIFIED INDIVIDUAL'S  
32 ATTENDING PHYSICIAN, CONSULTING PHYSICIAN, MENTAL HEALTH PROFESSIONAL OR  
33 INTERPRETER.

34 36-3304. Attending physician; requirements

35 THE ATTENDING PHYSICIAN SHALL DO ALL OF THE FOLLOWING:

36 1. MAKE THE INITIAL DETERMINATION WHETHER AN INDIVIDUAL HAS A  
37 TERMINAL ILLNESS, HAS CAPACITY AND HAS MADE THE REQUEST VOLUNTARILY.

38 2. REQUEST THE INDIVIDUAL TO DEMONSTRATE RESIDENCY IN THIS STATE  
39 PURSUANT TO SECTION 36-3313.

40 3. ENSURE THAT THE INDIVIDUAL IS MAKING AN INFORMED DECISION BY  
41 INFORMING THE PATIENT OF ALL OF THE FOLLOWING:

42 (a) THE INDIVIDUAL'S MEDICAL DIAGNOSIS.

43 (b) THE INDIVIDUAL'S PROGNOSIS.

44 (c) THE POTENTIAL RISKS ASSOCIATED WITH TAKING THE MEDICATION TO BE  
45 PRESCRIBED.

- 1 (d) THE PROBABLE RESULT OF TAKING THE MEDICATION TO BE PRESCRIBED.  
2 (e) FEASIBLE ALTERNATIVES AND CONCURRENT OR ADDITIONAL TREATMENT  
3 OPPORTUNITIES FOR THE INDIVIDUAL'S TERMINAL ILLNESS, INCLUDING COMFORT  
4 CARE, PALLIATIVE CARE, HOSPICE CARE, PAIN CONTROL AND DISEASE-DIRECTED  
5 TREATMENT OPTIONS, AS WELL AS THE RISKS AND BENEFITS OF EACH ALTERNATIVE.  
6 4. PROVIDE THE INDIVIDUAL WITH A REFERRAL FOR COMFORT CARE,  
7 PALLIATIVE CARE, HOSPICE CARE, PAIN CONTROL OR OTHER END-OF-LIFE TREATMENT  
8 OPPORTUNITIES AS REQUESTED OR AS CLINICALLY INDICATED.  
9 5. CONFIRM THAT THE INDIVIDUAL'S REQUEST DOES NOT ARISE FROM  
10 COERCION OR UNDUE INFLUENCE BY ASKING THE INDIVIDUAL ABOUT COERCION AND  
11 UNDUE INFLUENCE OUTSIDE OF THE PRESENCE OF OTHER PERSONS, EXCEPT AN  
12 INTERPRETER AS NECESSARY.  
13 6. DISCUSS WITH THE INDIVIDUAL THE INDIVIDUAL'S RIGHT TO RESCIND  
14 THE REQUEST AT ANY TIME.  
15 7. REFER THE INDIVIDUAL TO A CONSULTING PHYSICIAN TO MEDICALLY  
16 CONFIRM THE DIAGNOSIS AND TO DETERMINE THAT THE INDIVIDUAL HAS CAPACITY  
17 AND IS ACTING VOLUNTARILY AND NOTE THIS DETERMINATION IN THE INDIVIDUAL'S  
18 MEDICAL RECORD.  
19 8. REFER THE INDIVIDUAL TO A MENTAL HEALTH PROFESSIONAL FOR  
20 COUNSELING IF APPROPRIATE PURSUANT TO SECTION 36-3306 AND NOTE THIS  
21 DETERMINATION IN THE INDIVIDUAL'S MEDICAL RECORD.  
22 9. COUNSEL THE INDIVIDUAL ABOUT THE IMPORTANCE OF ALL OF THE  
23 FOLLOWING:  
24 (a) SAFELY KEEPING AND DISPOSING OF ALL UNUSED PRESCRIBED  
25 MEDICATION.  
26 (b) THE RECOMMENDED METHODS OF SELF-ADMINISTERING THE MEDICATIONS  
27 PRESCRIBED UNDER THIS ARTICLE.  
28 (c) HAVING ANOTHER PERSON PRESENT WHEN THE INDIVIDUAL TAKES THE  
29 MEDICATION.  
30 (d) NOT TAKING THE MEDICATION IN A PUBLIC PLACE.  
31 (e) THE BENEFITS OF NOTIFYING THE INDIVIDUAL'S NEXT OF KIN.  
32 10. OFFER THE INDIVIDUAL AN OPPORTUNITY TO RESCIND AT THE END OF  
33 THE FIFTEEN-DAY WAITING PERIOD PRESCRIBED IN SECTION 36-3311.  
34 11. IMMEDIATELY BEFORE WRITING THE PRESCRIPTION FOR MEDICATION,  
35 VERIFY THAT THE INDIVIDUAL IS MAKING AN INFORMED DECISION.  
36 12. EITHER:  
37 (a) IF THE ATTENDING PHYSICIAN IS AUTHORIZED BY STATE AND FEDERAL  
38 LAW TO DISPENSE THE MEDICATION, DISPENSE THE MEDICATION DIRECTLY,  
39 INCLUDING ANY ANCILLARY MEDICATIONS INTENDED TO MINIMIZE THE INDIVIDUAL'S  
40 DISCOMFORT.  
41 (b) WITH THE INDIVIDUAL'S WRITTEN CONSENT, DO BOTH OF THE  
42 FOLLOWING:  
43 (i) CONTACT A PHARMACIST AND INFORM THE PHARMACIST OF THE  
44 PRESCRIPTION.

1 (ii) DELIVER THE WRITTEN PRESCRIPTION FOR MEDICATION PERSONALLY OR  
2 BY OTHER MEANS TO THE PHARMACIST, WHO SHALL DISPENSE THE MEDICATIONS TO  
3 EITHER THE QUALIFIED INDIVIDUAL, THE ATTENDING PHYSICIAN OR AN EXPRESSLY  
4 IDENTIFIED AGENT OF THE QUALIFIED INDIVIDUAL.

5 13. DOCUMENT THE QUALIFIED INDIVIDUAL'S MEDICAL RECORD AS REQUIRED  
6 IN SECTION 36-3312.

7 14. ENSURE THAT ALL APPROPRIATE STEPS ARE CARRIED OUT IN ACCORDANCE  
8 WITH THIS ARTICLE BEFORE WRITING A PRESCRIPTION FOR MEDICATION.

9 36-3305. Consulting physician; confirmation of diagnosis;  
10 requirements

11 BEFORE AN INDIVIDUAL IS DEEMED QUALIFIED UNDER THIS ARTICLE, A  
12 CONSULTING PHYSICIAN SHALL EXAMINE THE INDIVIDUAL AND THE INDIVIDUAL'S  
13 RELEVANT MEDICAL RECORDS, SHALL CONFIRM IN WRITING THE ATTENDING  
14 PHYSICIAN'S DIAGNOSIS THAT THE INDIVIDUAL IS SUFFERING FROM A TERMINAL  
15 ILLNESS AND SHALL VERIFY THAT THE INDIVIDUAL HAS CAPACITY, IS ACTING  
16 VOLUNTARILY AND HAS MADE AN INFORMED DECISION.

17 36-3306. Counseling referral; prohibition

18 IF THE ATTENDING PHYSICIAN OR THE CONSULTING PHYSICIAN BELIEVES AN  
19 INDIVIDUAL MAY BE SUFFERING FROM A PSYCHIATRIC OR PSYCHOLOGICAL DISORDER  
20 OR DEPRESSION CAUSING IMPAIRED JUDGMENT, EITHER PHYSICIAN SHALL REFER THE  
21 INDIVIDUAL FOR COUNSELING. THE ATTENDING PHYSICIAN MAY NOT WRITE A  
22 PRESCRIPTION FOR MEDICATION UNTIL THE PERSON PERFORMING THE COUNSELING  
23 DETERMINES THAT THE INDIVIDUAL IS NOT SUFFERING FROM A PSYCHIATRIC OR  
24 PSYCHOLOGICAL DISORDER OR DEPRESSION CAUSING IMPAIRED JUDGMENT AND  
25 PROVIDES A WRITTEN REPORT.

26 36-3307. Informed decision required; verification

27 THE ATTENDING PHYSICIAN MAY NOT WRITE A PRESCRIPTION FOR MEDICATION  
28 UNLESS THE QUALIFIED INDIVIDUAL HAS MADE AN INFORMED DECISION.  
29 IMMEDIATELY BEFORE WRITING A PRESCRIPTION FOR MEDICATION, THE ATTENDING  
30 PHYSICIAN SHALL VERIFY THAT THE QUALIFIED INDIVIDUAL IS MAKING AN INFORMED  
31 DECISION.

32 36-3308. Family notification

33 THE ATTENDING PHYSICIAN SHALL RECOMMEND THAT THE QUALIFIED  
34 INDIVIDUAL NOTIFY THE QUALIFIED INDIVIDUAL'S NEXT OF KIN REGARDING THE  
35 QUALIFIED INDIVIDUAL'S REQUEST FOR A PRESCRIPTION FOR MEDICATION. IF THE  
36 QUALIFIED INDIVIDUAL DECLINES OR IS UNABLE TO NOTIFY NEXT OF KIN, THE  
37 ATTENDING PHYSICIAN MAY NOT DENY THE QUALIFIED INDIVIDUAL'S REQUEST FOR  
38 THAT REASON.

39 36-3309. Use of interpreters

40 AN INTERPRETER WHOSE SERVICES ARE PROVIDED TO AN INDIVIDUAL  
41 REQUESTING INFORMATION ON CARE UNDER THIS ARTICLE SHALL MEET THE STANDARDS  
42 ADOPTED BY THE NATIONAL COUNCIL ON INTERPRETING IN HEALTH CARE OR OTHER  
43 STANDARDS DEEMED ACCEPTABLE BY THE DEPARTMENT FOR HEALTH CARE PROVIDERS IN  
44 THIS STATE. AN INTERPRETER WHO IS USED FOR THE PURPOSES OF THIS ARTICLE  
45 MAY NOT:

1 1. BE RELATED TO THE QUALIFIED INDIVIDUAL BY BLOOD, MARRIAGE,  
2 REGISTERED DOMESTIC PARTNERSHIP OR ADOPTION OR BE ENTITLED TO A PORTION OF  
3 THE INDIVIDUAL'S ESTATE ON DEATH.

4 2. ACT AS A WITNESS FOR THE INDIVIDUAL'S WRITTEN REQUEST.

5 36-3310. Right to rescind request; disposal of unused  
6 medication

7 A. A QUALIFIED INDIVIDUAL MAY RESCIND A REQUEST AT ANY TIME AND IN  
8 ANY MANNER WITHOUT REGARD TO THE QUALIFIED INDIVIDUAL'S MENTAL STATE. THE  
9 ATTENDING PHYSICIAN MAY NOT WRITE A PRESCRIPTION FOR MEDICATION WITHOUT  
10 OFFERING THE QUALIFIED INDIVIDUAL AN OPPORTUNITY TO RESCIND THE REQUEST.

11 B. IF THE ATTENDING PHYSICIAN WRITES A PRESCRIPTION FOR MEDICATION  
12 AND THE QUALIFIED INDIVIDUAL DECIDES NOT TO USE THE MEDICATION TO END THE  
13 QUALIFIED INDIVIDUAL'S LIFE, THE UNUSED MEDICATION MUST BE DISPOSED OF BY  
14 ANY LEGAL MEANS OR AS PRESCRIBED BY RULE.

15 36-3311. Oral request; written request; waiting period;  
16 waiver

17 A. TO RECEIVE A PRESCRIPTION FOR MEDICATION THAT A QUALIFIED  
18 INDIVIDUAL MAY SELF-ADMINISTER UNDER THIS ARTICLE, THE QUALIFIED  
19 INDIVIDUAL MUST MAKE AN ORAL REQUEST TO THE ATTENDING PHYSICIAN EITHER IN  
20 PERSON OR BY TELEHEALTH, IF THE ATTENDING PHYSICIAN DETERMINES THE USE OF  
21 TELEHEALTH IS CLINICALLY APPROPRIATE, AND A WRITTEN REQUEST WITH TWO  
22 WITNESSES AT LEAST FIFTEEN DAYS AFTER MAKING THE INITIAL ORAL REQUEST. A  
23 PRESCRIPTION FOR MEDICATION MAY NOT BE WRITTEN BEFORE RECEIPT OF THE  
24 QUALIFIED INDIVIDUAL'S WRITTEN REQUEST.

25 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, IF THE ATTENDING  
26 PHYSICIAN ATTESTS THAT THE QUALIFIED INDIVIDUAL WILL, WITHIN REASONABLE  
27 MEDICAL JUDGMENT, DIE WITHIN THE FIFTEEN DAYS AFTER MAKING THE INITIAL  
28 ORAL REQUEST, THE QUALIFIED INDIVIDUAL MAY REITERATE THE ORAL REQUEST TO  
29 THE ATTENDING PHYSICIAN AND SUBMIT THE WRITTEN REQUEST AT ANY TIME AFTER  
30 MAKING THE INITIAL ORAL REQUEST, AND THE FIFTEEN-DAY WAITING PERIOD MAY BE  
31 WAIVED.

32 36-3312. Medical records; documentation; requirements

33 ALL OF THE FOLLOWING SHALL BE DOCUMENTED OR FILED IN THE QUALIFIED  
34 INDIVIDUAL'S MEDICAL RECORD:

35 1. ALL ORAL REQUESTS BY THE QUALIFIED INDIVIDUAL FOR A PRESCRIPTION  
36 FOR MEDICATION.

37 2. ALL WRITTEN REQUESTS BY THE QUALIFIED INDIVIDUAL FOR A  
38 PRESCRIPTION FOR MEDICATION.

39 3. THE ATTENDING PHYSICIAN'S DIAGNOSIS AND PROGNOSIS AND  
40 DETERMINATION THAT THE QUALIFIED INDIVIDUAL HAS CAPACITY, IS ACTING  
41 VOLUNTARILY AND HAS MADE AN INFORMED DECISION.

42 4. THE CONSULTING PHYSICIAN'S DIAGNOSIS AND PROGNOSIS AND  
43 VERIFICATION THAT THE QUALIFIED INDIVIDUAL HAS CAPACITY, IS ACTING  
44 VOLUNTARILY AND HAS MADE AN INFORMED DECISION.

1           5. A REPORT OF THE OUTCOME AND DETERMINATIONS MADE DURING  
2 COUNSELING, IF PERFORMED.

3           6. THE ATTENDING PHYSICIAN'S OFFER TO THE QUALIFIED INDIVIDUAL TO  
4 RESCIND THE QUALIFIED INDIVIDUAL'S REQUEST AT THE TIME OF THE QUALIFIED  
5 INDIVIDUAL'S ORAL REQUEST.

6           7. A NOTE FROM THE ATTENDING PHYSICIAN INDICATING THAT ALL  
7 REQUIREMENTS UNDER THIS ARTICLE HAVE BEEN MET AND INDICATING THE STEPS  
8 TAKEN TO CARRY OUT THE REQUEST, INCLUDING A NOTATION OF ANY MEDICATIONS  
9 PRESCRIBED.

10           36-3313. Residency requirement; definition

11           A. THE ATTENDING PHYSICIAN MAY GRANT AN INDIVIDUAL'S REQUEST UNDER  
12 THIS ARTICLE ONLY IF THE INDIVIDUAL'S RESIDENCE IS IN THIS STATE. AN  
13 INDIVIDUAL MAY PRESENT ANY OF THE FOLLOWING TO SHOW THE INDIVIDUAL'S  
14 RESIDENCY UNDER THIS SECTION:

15           1. A VALID ARIZONA DRIVER LICENSE THAT CONTAINS THE INDIVIDUAL'S  
16 PHYSICAL RESIDENCE ADDRESS. A POST OFFICE BOX IS NOT A RESIDENCE ADDRESS  
17 FOR THE PURPOSES OF THIS PARAGRAPH.

18           2. A VALID ARIZONA NONOPERATING IDENTIFICATION LICENSE THAT  
19 CONTAINS THE INDIVIDUAL'S PHYSICAL RESIDENCE ADDRESS. A POST OFFICE BOX IS  
20 NOT A RESIDENCE ADDRESS FOR THE PURPOSES OF THIS PARAGRAPH.

21           3. EVIDENCE THAT THE INDIVIDUAL OWNS OR LEASES PROPERTY IN THIS  
22 STATE.

23           4. PROOF OF VOTER REGISTRATION IN THIS STATE.

24           5. A CURRENT INCOME TAX RETURN THAT CONTAINS THE INDIVIDUAL'S  
25 PHYSICAL RESIDENCE ADDRESS. A POST OFFICE BOX IS NOT A RESIDENCE ADDRESS  
26 FOR THE PURPOSES OF THIS PARAGRAPH.

27           6. ANY OTHER MEANS OF DEMONSTRATING RESIDENCY ACCEPTABLE TO THE  
28 ATTENDING PHYSICIAN.

29           B. FOR THE PURPOSES OF THIS SECTION, "RESIDENCE" MEANS A PLACE  
30 WHERE A PERSON HAS ESTABLISHED A FIXED AND PRINCIPAL HOME TO WHICH THE  
31 PERSON, WHENEVER TEMPORARILY ABSENT, INTENDS TO RETURN.

32           36-3314. Annual records review; reporting requirements;  
33 confidentiality; rules; annual report

34           A. THE DEPARTMENT SHALL ANNUALLY REVIEW A SAMPLE OF RECORDS  
35 MAINTAINED PURSUANT TO THIS ARTICLE.

36           B. THE DEPARTMENT SHALL REQUIRE A HEALTH CARE PROVIDER, WITHIN  
37 THIRTY DAYS AFTER DISPENSING A PRESCRIPTION FOR MEDICATION PURSUANT TO  
38 THIS ARTICLE, TO FILE A COPY OF THE DISPENSING RECORD WITH THE DEPARTMENT.

39           C. THE DEPARTMENT SHALL ADOPT RULES TO FACILITATE THE COLLECTION OF  
40 INFORMATION REGARDING COMPLIANCE WITH THIS ARTICLE. EXCEPT AS OTHERWISE  
41 REQUIRED BY LAW, THE INFORMATION COLLECTED IS NOT A PUBLIC RECORD AND IS  
42 NOT AVAILABLE FOR INSPECTION BY THE PUBLIC.

43           D. THE DEPARTMENT SHALL GENERATE AND MAKE AVAILABLE TO THE PUBLIC  
44 AN ANNUAL STATISTICAL REPORT OF INFORMATION COLLECTED UNDER THIS SECTION.





1           7. NOTWITHSTANDING PARAGRAPHS 1, 2 AND 3 OF THIS SUBSECTION, A  
2 HEALTH CARE PROVIDER MAY SUBJECT ANOTHER HEALTH CARE PROVIDER TO ANY OF  
3 THE FOLLOWING SANCTIONS IF THE SANCTIONING HEALTH CARE PROVIDER HAS  
4 NOTIFIED THE SANCTIONED HEALTH CARE PROVIDER BEFORE PARTICIPATING IN  
5 ACTIVITIES COVERED BY THIS ARTICLE THAT THE ACTIONS ARE PROHIBITED:

6           (a) LOSS OF PRIVILEGES, LOSS OF MEMBERSHIP OR ANY OTHER SANCTION  
7 PROVIDED PURSUANT TO THE MEDICAL STAFF BYLAWS, POLICIES AND PROCEDURES OF  
8 THE SANCTIONING HEALTH CARE PROVIDER IF THE SANCTIONED HEALTH CARE  
9 PROVIDER IS A MEMBER OF THE SANCTIONING HEALTH CARE PROVIDER'S MEDICAL  
10 STAFF AND PARTICIPATES IN ACTIVITIES COVERED BY THIS ARTICLE WHILE ON THE  
11 HEALTH CARE FACILITY PREMISES OF THE SANCTIONING HEALTH CARE PROVIDER, BUT  
12 NOT INCLUDING THE PRIVATE MEDICAL OFFICE OF A PHYSICIAN OR OTHER HEALTH  
13 CARE PROVIDER.

14           (b) TERMINATION OF LEASE OR OTHER PROPERTY CONTRACT OR OTHER  
15 NONMONETARY REMEDIES PROVIDED BY A LEASE CONTRACT, NOT INCLUDING LOSS OR  
16 RESTRICTION OF MEDICAL STAFF PRIVILEGES OR EXCLUSION FROM A PROVIDER  
17 PANEL, IF THE SANCTIONED HEALTH CARE PROVIDER PARTICIPATES IN ACTIVITIES  
18 COVERED BY THIS ARTICLE WHILE ON THE PREMISES OF THE SANCTIONING HEALTH  
19 CARE PROVIDER OR ON PROPERTY THAT IS OWNED BY OR UNDER THE DIRECT CONTROL  
20 OF THE SANCTIONING HEALTH CARE PROVIDER.

21           (c) TERMINATION OF CONTRACT OR OTHER NONMONETARY REMEDIES PROVIDED  
22 BY CONTRACT IF THE SANCTIONED HEALTH CARE PROVIDER PARTICIPATES IN  
23 ACTIVITIES COVERED BY THIS ARTICLE WHILE ACTING IN THE COURSE AND SCOPE OF  
24 THE SANCTIONED HEALTH CARE PROVIDER'S CAPACITY AS AN EMPLOYEE OR  
25 INDEPENDENT CONTRACTOR OF THE SANCTIONING HEALTH CARE PROVIDER. THIS  
26 SUBDIVISION DOES NOT PREVENT EITHER OF THE FOLLOWING:

27           (i) A HEALTH CARE PROVIDER FROM PARTICIPATING IN ACTIVITIES COVERED  
28 BY THIS ARTICLE WHILE ACTING OUTSIDE THE COURSE AND SCOPE OF THE HEALTH  
29 CARE PROVIDER'S CAPACITY AS AN EMPLOYEE OR INDEPENDENT CONTRACTOR.

30           (ii) A QUALIFIED INDIVIDUAL FROM CONTRACTING WITH THE QUALIFIED  
31 INDIVIDUAL'S ATTENDING PHYSICIAN AND CONSULTING PHYSICIAN TO ACT OUTSIDE  
32 THE COURSE AND SCOPE OF THE HEALTH CARE PROVIDER'S CAPACITY AS AN EMPLOYEE  
33 OR INDEPENDENT CONTRACTOR OF THE SANCTIONING HEALTH CARE PROVIDER.

34           8. A HEALTH CARE PROVIDER THAT IMPOSES SANCTIONS PURSUANT TO  
35 PARAGRAPH 7 OF THIS SUBSECTION MUST FOLLOW ALL DUE PROCESS AND OTHER  
36 PROCEDURES THE SANCTIONING HEALTH CARE PROVIDER MAY HAVE THAT ARE RELATED  
37 TO IMPOSING SANCTIONS ON ANOTHER HEALTH CARE PROVIDER.

38           9. ACTION TAKEN PURSUANT TO SECTION 36-3303, 36-3304, 36-3305 OR  
39 36-3306 MAY NOT BE THE SOLE BASIS FOR A REPORT OF UNPROFESSIONAL CONDUCT  
40 UNDER TITLE 32, CHAPTER 13 OR 17.

41           B. FOR THE PURPOSES OF THIS SECTION:

42           1. "NOTIFY" MEANS THAT A SANCTIONING HEALTH CARE PROVIDER  
43 SPECIFICALLY INFORMS A HEALTH CARE PROVIDER IN A SEPARATE STATEMENT IN  
44 WRITING OF THE SANCTIONING HEALTH CARE PROVIDER'S POLICY ABOUT  
45 PARTICIPATING IN ACTIVITIES COVERED BY THIS ARTICLE.

1           2. "PARTICIPATE IN ACTIVITIES COVERED BY THIS ARTICLE":  
2           (a) MEANS ANY OF THE FOLLOWING:  
3           (i) TO PERFORM THE DUTIES OF AN ATTENDING PHYSICIAN PURSUANT TO  
4 SECTION 36-3304 OR A CONSULTING PHYSICIAN PURSUANT TO SECTION 36-3305 OR  
5 THE COUNSELING FUNCTION PURSUANT TO SECTION 36-3306.  
6           (ii) TO PERFORM THE DUTIES OF A MENTAL HEALTH PROFESSIONAL IF A  
7 REFERRAL TO ONE IS MADE.  
8           (iii) TO DELIVER THE PRESCRIPTION FOR MEDICATION, TO DISPENSE THE  
9 PRESCRIBED MEDICATION OR TO DELIVER THE DISPENSED MEDICATION PURSUANT TO  
10 THIS ARTICLE.  
11           (iv) TO BE PRESENT WHEN THE QUALIFIED INDIVIDUAL TAKES THE  
12 MEDICATION PRESCRIBED PURSUANT TO THIS ARTICLE.  
13           (b) DOES NOT INCLUDE MAKING AN INITIAL DETERMINATION THAT AN  
14 INDIVIDUAL HAS A TERMINAL DISEASE AND INFORMING THE INDIVIDUAL OF THE  
15 MEDICAL PROGNOSIS, PROVIDING INFORMATION ABOUT THIS ARTICLE TO AN  
16 INDIVIDUAL ON THE INDIVIDUAL'S REQUEST OR PROVIDING AN INDIVIDUAL, ON THE  
17 INDIVIDUAL'S REQUEST, WITH A REFERRAL TO ANOTHER HEALTH CARE PROVIDER FOR  
18 THE PURPOSE OF ASSESSING MEDICAL AID IN DYING OR AN INDIVIDUAL CONTRACTING  
19 WITH THE INDIVIDUAL'S ATTENDING PHYSICIAN AND CONSULTING PHYSICIAN TO ACT  
20 OUTSIDE OF THE COURSE AND SCOPE OF THE HEALTH CARE PROVIDER'S CAPACITY AS  
21 AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF THE SANCTIONING HEALTH CARE  
22 PROVIDER.  
23           36-3320. Death certificates  
24           A. UNLESS OTHERWISE PROHIBITED BY LAW, THE ATTENDING PHYSICIAN OR  
25 THE DIRECTOR OF THE HEALTH CARE FACILITY WHERE A QUALIFIED INDIVIDUAL  
26 TERMINATED THE QUALIFIED INDIVIDUAL'S LIFE PURSUANT TO THIS ARTICLE SHALL  
27 SIGN THE DEATH CERTIFICATE OF A QUALIFIED INDIVIDUAL WHO OBTAINED AND  
28 SELF-ADMINISTERED A PRESCRIPTION FOR MEDICATION PURSUANT TO THIS ARTICLE.  
29           B. WHEN A DEATH HAS OCCURRED IN ACCORDANCE WITH THIS ARTICLE, THE  
30 CAUSE OF DEATH MUST BE LISTED AS THE UNDERLYING TERMINAL ILLNESS. A  
31 QUALIFIED INDIVIDUAL'S ACT OF SELF-ADMINISTERING MEDICATION PRESCRIBED  
32 PURSUANT TO THIS ARTICLE MAY NOT BE INCLUDED ON THE DEATH CERTIFICATE.  
33           36-3321. Violations; classification; liability  
34           A. A PERSON IS GUILTY OF A CLASS 2 FELONY WHO, WITHOUT THE  
35 QUALIFIED INDIVIDUAL'S AUTHORIZATION, WILFULLY ALTERS OR FORGES A REQUEST  
36 FOR A PRESCRIPTION FOR MEDICATION OR CONCEALS OR DESTROYS A RESCISSION OF  
37 THAT REQUEST WITH THE INTENT OR EFFECT OF CAUSING THE QUALIFIED  
38 INDIVIDUAL'S DEATH.  
39           B. A PERSON IS GUILTY OF A CLASS 2 FELONY WHO COERCES OR EXERTS  
40 UNDUE INFLUENCE ON A QUALIFIED INDIVIDUAL WITH A TERMINAL ILLNESS TO  
41 REQUEST A PRESCRIPTION FOR MEDICATION PURSUANT TO THIS ARTICLE WITH THE  
42 INTENT OR EFFECT OF CAUSING THE QUALIFIED INDIVIDUAL'S DEATH.  
43           C. A PERSON IS GUILTY OF A CLASS 2 FELONY WHO, WITHOUT  
44 AUTHORIZATION OF THE QUALIFIED INDIVIDUAL, WILFULLY ALTERS, FORGES,  
45 CONCEALS OR DESTROYS AN INSTRUMENT, THE REINSTATEMENT OR REVOCATION OF AN

1 INSTRUMENT OR ANY OTHER EVIDENCE OR DOCUMENT REFLECTING THE QUALIFIED  
2 INDIVIDUAL'S DESIRES AND INTERESTS, WITH THE INTENT AND EFFECT OF CAUSING  
3 A WITHHOLDING OR WITHDRAWAL OF LIFE-SUSTAINING PROCEDURES OR ARTIFICIALLY  
4 ADMINISTERED NUTRITION AND HYDRATION THAT HASTENS THE DEATH OF THE  
5 QUALIFIED INDIVIDUAL.

6 D. EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION, A PERSON IS  
7 GUILTY OF A CLASS 1 MISDEMEANOR WHO, WITHOUT AUTHORIZATION OF THE  
8 QUALIFIED INDIVIDUAL, WILFULLY ALTERS, FORGES OR DESTROYS AN INSTRUMENT,  
9 OR ANY OTHER EVIDENCE OR DOCUMENT REFLECTING THE QUALIFIED INDIVIDUAL'S  
10 DESIRES AND INTERESTS WITH THE INTENT OR EFFECT OF AFFECTING A HEALTH CARE  
11 DECISION OF THE QUALIFIED INDIVIDUAL.

12 E. THIS ARTICLE DOES NOT LIMIT FURTHER LIABILITY FOR CIVIL DAMAGES  
13 RESULTING FROM OTHER NEGLIGENT CONDUCT OR INTENTIONAL MISCONDUCT BY ANY  
14 PERSON.

15 F. THE PENALTIES IN THIS ARTICLE DO NOT PRECLUDE CRIMINAL PENALTIES  
16 APPLICABLE UNDER OTHER LAW FOR CONDUCT THAT IS INCONSISTENT WITH THIS  
17 ARTICLE.

18 36-3322. Claims by governmental entity; costs

19 A GOVERNMENTAL ENTITY THAT INCURS COSTS RESULTING FROM A QUALIFIED  
20 INDIVIDUAL TERMINATING THE QUALIFIED INDIVIDUAL'S LIFE PURSUANT TO THIS  
21 ARTICLE IN A PUBLIC PLACE HAS A CLAIM AGAINST THE ESTATE OF THE QUALIFIED  
22 INDIVIDUAL TO RECOVER THE COSTS AND REASONABLE ATTORNEY FEES RELATED TO  
23 ENFORCING THE CLAIM.

24 36-3323. Prescription for medication; form of request

25 A REQUEST FOR MEDICATION AS AUTHORIZED BY THIS ARTICLE SHALL BE IN  
26 SUBSTANTIALLY THE FOLLOWING FORM:

27 REQUEST FOR MEDICATION TO END MY LIFE  
28 IN A HUMANE AND DIGNIFIED MANNER

29 I, (NAME OF INDIVIDUAL), AM AN ADULT OF SOUND MIND.

30 I AM SUFFERING FROM (DESCRIPTION OF ILLNESS), WHICH MY  
31 ATTENDING PHYSICIAN HAS DETERMINED IS A TERMINAL ILLNESS.

32 I HAVE BEEN FULLY INFORMED OF MY DIAGNOSIS, MY  
33 PROGNOSIS, THE POTENTIAL RISKS ASSOCIATED WITH TAKING THE  
34 MEDICATION TO BE PRESCRIBED AND THE PROBABLE RESULT OF TAKING  
35 THE MEDICATION. I HAVE BEEN INFORMED OF THE FEASIBLE  
36 ALTERNATIVES AND CONCURRENT OR ADDITIONAL TREATMENT  
37 OPPORTUNITIES, INCLUDING COMFORT CARE, PALLIATIVE CARE,  
38 HOSPICE CARE, PAIN CONTROL AND DISEASE-DIRECTED TREATMENT  
39 OPTIONS, AS WELL AS THE RISKS AND BENEFITS OF EACH  
40 ALTERNATIVE.

41 I REQUEST THAT MY ATTENDING PHYSICIAN PRESCRIBE  
42 MEDICATION THAT WILL END MY LIFE IN A HUMANE AND DIGNIFIED  
43 MANNER, SHOULD I CHOOSE TO SELF-ADMINISTER IT.

44 I UNDERSTAND THE FULL IMPORT OF THIS REQUEST AND I  
45 EXPECT TO DIE WHEN I TAKE THE MEDICATION TO BE PRESCRIBED. I



1           Sec. 2. Severability

2           If a provision of this act or its application to any person or  
3           circumstance is held invalid, the invalidity does not affect other  
4           provisions or applications of the act that can be given effect without the  
5           invalid provision or application, and to this end the provisions of this  
6           act are severable.