

105TH CONGRESS
1ST SESSION

H. R. 868

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1997

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

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 1997”.

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) of such Act (42 U.S.C. 1395cc(f)) is amended by
21 adding at 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

1 service which intentionally causes the death of any individ-
 2 ual, such as assisted suicide, euthanasia, or mercy kill-
 3 ing.”.

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

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

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

12 (1) by striking “or” at the end of paragraph
 13 (14);

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

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

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

24 (b) EFFECTIVE DATE.—The amendments made by
 25 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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