

State of Arkansas
93rd General Assembly
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As Engrossed: H2/3/21 H2/8/21
A Bill

HOUSE BILL 1116

By: Representatives Dotson, *Cloud, Bentley*

By: Senator Hester

For An Act To Be Entitled

AN ACT TO ESTABLISH SIMON'S LAW; TO CLARIFY THE REQUIREMENT FOR PARENT OR LEGAL GUARDIAN CONSENT FOR END-OF-LIFE MEDICAL PROCEDURES FOR MINORS; TO PROHIBIT HEALTHCARE FACILITIES OR HEALTHCARE PROFESSIONALS FROM INSTITUTING END-OF-LIFE MEDICAL PROCEDURES ON A MINOR WITHOUT CONSENT OF A PARENT OR LEGAL GUARDIAN; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH SIMON'S LAW; AND TO CLARIFY THE REQUIREMENT FOR PARENT OR LEGAL GUARDIAN CONSENT FOR END-OF-LIFE MEDICAL PROCEDURES FOR MINORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 9, Subchapter 6, is amended to add an additional section to read as follows:

20-9-605. Simon's Law – Consent for withholding or withdrawing treatment at end of life for minors.

(a) This section shall be known and may be cited as "Simon's Law".

(b) As used in this section:

(1) "Healthcare institution" means the same as defined in § 20-6-102;

(2) "Healthcare provider" means the same as defined in § 20-6-102; and



(3) "Minor" means an individual who is under eighteen (18) years of age.

(c)(1) A healthcare institution or healthcare provider shall not issue a do-not-resuscitate order or otherwise withhold or withdraw treatment so as to allow the natural death of a minor without the oral or written consent of at least one (1) parent or guardian of the minor.

(2) If the consent is given orally, two (2) witnesses shall be present and willing to attest that consent was given by at least one (1) parent or guardian.

(3) The consent shall be documented in the minor's medical record, specifying the parent or guardian who gave consent, the witnesses present, and the date and time that the consent was obtained.

(4) The parent or guardian may revoke the consent orally or in writing.

(d) This section does not apply if the minor is:

(1) Married, pregnant, or emancipated;

(2) Incarcerated in the Division of Correction or the Division of Community Correction; or

(3) In the custody of the Department of Human Services.

(e) This section does not require a healthcare institution or healthcare provider to provide or continue any treatment that would be medically inappropriate because, in the reasonable medical judgment of the healthcare institution or healthcare provider, providing the treatment would:

(1) Create a greater risk of causing or hastening the death of the minor; or

(2) Potentially harm or cause unnecessary pain, suffering, or injury to the minor.

(f) This section does not apply if a reasonably diligent effort of at least seventy-two (72) hours without success has been made to contact and inform each known parent or guardian of the intent to issue a do-not-resuscitate order or otherwise withhold or withdraw treatment so as to allow the natural death of the minor.

(g) Except as specifically set out in this section, a minor has all rights granted to a minor under the Arkansas Healthcare Decisions Act, § 20-6-101 et seq.

/s/Dotson

APPROVED: 3/2/21