

1 State of Arkansas As Engrossed: H2/3/21 H2/8/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1116

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5 By: Representatives Dotson, *Cloud, Bentley*

6 By: Senator Hester

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For An Act To Be Entitled

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

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Subtitle

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

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

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

29 20-9-605. Simon's Law – Consent for withholding or withdrawing
30 treatment at end of life for minors.

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

32 (b) As used in this section:

33 (1) "Healthcare institution" means the same as defined in § 20-
34 6-102;

35 (2) "Healthcare provider" means the same as defined in § 20-6-
36 102; and



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

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

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

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

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

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

16 (1) Married, pregnant, or emancipated;

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

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

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

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

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

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

33 (g) Except as specifically set out in this section, a minor has all
34 rights granted to a minor under the Arkansas Healthcare Decisions Act, § 20-
35 6-101 et seq.

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/s/Dotson

APPROVED: 3/2/21