

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1116

5 By: Representative Dotson
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

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18 TO ESTABLISH SIMON'S LAW; AND TO CLARIFY
19 THE REQUIREMENT FOR PARENT OR LEGAL
20 GUARDIAN CONSENT FOR END-OF-LIFE MEDICAL
21 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 end-of-life medical procedures for
30 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) "End-of-life medical procedure" means any procedure related
34 to the end-of-life, including a do-not-resuscitate order, withdrawal of life
35 support, and organ removal for the purpose of organ donation;

36 (2) "Healthcare institution" means the same as defined in § 20-



1 6-102; and

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

4 (c)(1) A healthcare institution or healthcare provider shall not
 5 consent to or implement an end-of-life medical procedure for a minor without
 6 the oral or written consent of at least one (1) parent or guardian of the
 7 minor.

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

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

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

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

17 (1) Married, pregnant, or emancipated;

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

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

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

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

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

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