

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 150**  
**HOUSE BILL 2122**

AN ACT

AMENDING TITLE 36, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 36-418; RELATING TO HEALTH CARE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, chapter 4, article 1, Arizona Revised  
3 Statutes, is amended by adding section 36-418, to read:

4 36-418. Do-not-resuscitate orders: minors: parental  
5 communication; definitions

6 A. FOR AN UNEMANCIPATED MINOR WHO IS NOT UNDER JUVENILE COURT  
7 JURISDICTION PURSUANT TO SECTION 8-202, A PROVIDER MAY NOT IMPLEMENT A  
8 DO-NOT-RESUSCITATE ORDER WITHOUT COMMUNICATING WITH AT LEAST ONE OF THE  
9 MINOR'S PARENTS OR THE MINOR'S LEGAL GUARDIAN. THE COMMUNICATION MUST  
10 INCLUDE A DISCUSSION OF BOTH OF THE FOLLOWING:

11 1. THE MINOR'S CARE PLAN, INCLUDING IMPLEMENTING A  
12 DO-NOT-RESUSCITATE ORDER AND WHAT THE DO-NOT-RESUSCITATE ORDER MEANS FOR  
13 THE MINOR.

14 2. THE RIGHTS PROVIDED UNDER SUBSECTIONS E AND G OF THIS SECTION.

15 B. THE COMMUNICATION WITH THE MINOR'S PARENTS OR LEGAL GUARDIAN  
16 PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE MADE WITH A WITNESS  
17 PRESENT, OTHER THAN THE PARENTS OR LEGAL GUARDIAN, WHO IS WILLING TO  
18 CONFIRM THAT THIS COMMUNICATION TOOK PLACE. THE PROVIDER SHALL  
19 IMMEDIATELY DOCUMENT AND RECORD THE COMMUNICATION IN THE MINOR'S MEDICAL  
20 RECORD INDICATING WHOM THE COMMUNICATION WAS WITH, WHO WITNESSED THE  
21 COMMUNICATION AND THE DATE AND TIME OF THE COMMUNICATION. THE PROVIDER  
22 SHALL ASK THE MINOR'S PARENTS OR LEGAL GUARDIAN TO SIGN A WRITTEN  
23 ACKNOWLEDGEMENT OF THIS COMMUNICATION.

24 C. THE REQUIREMENTS OF SUBSECTIONS A AND B OF THIS SECTION DO NOT  
25 APPLY IF THE PROVIDER MAKES A REASONABLY DILIGENT AND DOCUMENTED EFFORT TO  
26 CONTACT THE MINOR'S PARENTS OR LEGAL GUARDIAN WITHOUT SUCCESS FOR AT LEAST  
27 FORTY-EIGHT HOURS. IF A DO-NOT-RESUSCITATE ORDER IS ENTERED FOR THE  
28 MINOR, THE REASON FOR THAT ORDER SHALL BE DOCUMENTED IN THE MINOR'S  
29 MEDICAL RECORD.

30 D. THIS SECTION DOES NOT REQUIRE A PROVIDER TO INITIALLY PROVIDE OR  
31 CONTINUE RESUSCITATIVE MEASURES ON A MINOR IF THE RESUSCITATIVE MEASURES  
32 WOULD BE MEDICALLY INAPPROPRIATE BECAUSE PROVIDING THE TREATMENT WOULD, IN  
33 THE PROVIDER'S REASONABLE MEDICAL JUDGMENT, EITHER:

34 1. CREATE A GREATER RISK OF CAUSING OR HASTENING THE MINOR'S DEATH.

35 2. BE POTENTIALLY HARMFUL OR CAUSE UNNECESSARY PAIN, SUFFERING OR  
36 INJURY TO THE MINOR BECAUSE THERE IS NO FURTHER BENEFIT TO THE MINOR IN  
37 PERFORMING RESUSCITATIVE MEASURES.

38 E. AT ANY POINT DURING THE PROCESS DESCRIBED IN SUBSECTIONS A AND B  
39 OF THIS SECTION, A PARENT OR LEGAL GUARDIAN HAS THE RIGHT TO REQUEST THAT  
40 THE MINOR BE TRANSFERRED TO ANOTHER FACILITY. IF THE PARENT OR LEGAL  
41 GUARDIAN REQUESTS A TRANSFER, THE PROVIDER SHALL PROVIDE REASONABLE TIME  
42 FOR THE PARENT OR LEGAL GUARDIAN TO FIND ANOTHER PROVIDER THAT WILL ACCEPT  
43 THE MINOR BEFORE IMPLEMENTING A DO-NOT-RESUSCITATE ORDER. THE PROVIDER  
44 SHALL PROVIDE THE MINOR'S MEDICAL RECORDS TO ANY ACCREDITED FACILITY THAT  
45 REQUIRES THE MEDICAL RECORDS TO DETERMINE WHETHER THE FACILITY IS WILLING

1 TO CARE FOR THE MINOR. IF AN ACCREDITED FACILITY IS WILLING TO ACCEPT THE  
2 MINOR, THE PROVIDER SHALL MAKE REASONABLE EFFORTS TO FACILITATE THE  
3 TRANSFER.

4 F. A PARENT OR GUARDIAN MAY PETITION A SUPERIOR COURT IN THE COUNTY  
5 IN WHICH THE MINOR RESIDES OR IN WHICH THE MINOR IS RECEIVING TREATMENT  
6 FOR AN ORDER ENJOINING A VIOLATION OR THREATENED VIOLATION OF THIS SECTION  
7 OR TO RESOLVE A CONFLICT BETWEEN THE PARENTS. ON RECEIVING A PETITION,  
8 THE SUPERIOR COURT SHALL ISSUE AN ORDER FIXING THE DATE, TIME AND PLACE OF  
9 A HEARING ON THE PETITION AND ORDER THAT NOTICE OF THE HEARING BE GIVEN TO  
10 THE INTERESTED PARTIES. A PRELIMINARY HEARING MAY BE HELD WITHOUT NOTICE  
11 IF THE COURT DETERMINES THAT HOLDING THAT HEARING WITHOUT NOTICE IS  
12 NECESSARY TO PREVENT IMMINENT DANGER TO THE MINOR'S LIFE. IN THE COURT'S  
13 DISCRETION, A HEARING MAY BE CONDUCTED IN A COURTROOM, IN A HEALTH CARE  
14 FACILITY OR AT SOME OTHER SUITABLE PLACE. A DO-NOT-RESUSCITATE ORDER MAY  
15 NOT BE IMPLEMENTED PENDING THE FINAL DETERMINATION OF THE PROCEEDINGS,  
16 INCLUDING ANY APPEALS.

17 G. ON REQUEST OF A PATIENT OR RESIDENT OR A PROSPECTIVE PATIENT OR  
18 RESIDENT, A PROVIDER SHALL DISCLOSE IN WRITING ANY POLICIES RELATING TO A  
19 PATIENT OR RESIDENT OR THE SERVICES A PATIENT OR RESIDENT MAY RECEIVE  
20 INVOLVING RESUSCITATION OR LIFE-SUSTAINING MEASURES, INCLUDING ANY  
21 POLICIES RELATED TO TREATMENTS DEEMED NONBENEFICIAL, INEFFECTIVE, FUTILE  
22 OR INAPPROPRIATE. THIS SUBSECTION DOES NOT REQUIRE A PROVIDER TO HAVE A  
23 WRITTEN POLICY RELATING TO OR INVOLVING RESUSCITATION, LIFE-SUSTAINING  
24 MEASURES OR NONBENEFICIAL TREATMENT FOR UNEMANCIPATED MINOR PATIENTS OR  
25 ADULT PATIENTS OR RESIDENTS.

26 H. FOR THE PURPOSES OF THIS SECTION:

27 1. "DO-NOT-RESUSCITATE ORDER":

28 (a) MEANS AN ORDER IN A PATIENT'S MEDICAL RECORD THAT REFLECTS A  
29 DECISION TO FORGO CARDIOPULMONARY RESUSCITATIVE MEASURES.

30 (b) DOES NOT INCLUDE WITHHOLDING OTHER MEDICAL INTERVENTIONS DEEMED  
31 NECESSARY TO PROVIDE A PATIENT WITH COMFORT CARE OR TO ALLEVIATE PAIN.

32 2. "PROVIDER" MEANS A HEALTH CARE FACILITY, A NURSING HOME, A  
33 PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17 OR A  
34 NURSE WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 15.

35 Sec. 2. Short title

36 This act may be cited and known as "Simon's Law".

APPROVED BY THE GOVERNOR APRIL 30, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2019.