



132nd MAINE LEGISLATURE

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Legislative Document

No. 410

H.P. 264

House of Representatives, February 4, 2025

**An Act to Require Parental Consent to Withhold Life-sustaining
Measures for a Minor or to Comply with a Do-not-resuscitate Order
for a Minor**

Reference to the Committee on Health Coverage, Insurance and Financial Services
suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PAUL of Winterport.
Cosponsored by Senator HAGGAN of Penobscot and
Representatives: GRIFFIN of Levant, HAGGAN of Hampden, JAVNER of Chester, QUINT
of Hodgdon.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1509** is enacted to read:

3 **§1509. Parental consent required for restrictions on life-sustaining measures**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Do-not-resuscitate order" means an order in a minor's medical record to not use
7 cardiopulmonary resuscitation measures if the minor's heart or breathing stops. "Do-
8 not-resuscitate order" does not include withholding a medical intervention to provide
9 a minor with comfort care or to alleviate pain.

10 B. "Facility" means a facility licensed under chapter 405 or 1663.

11 C. "Minor" means a person under 18 years of age who is unemancipated, not under
12 state supervision and not on active duty in the state military forces or the United States
13 Armed Forces, including the National Guard or Reserves.

14 D. "Resident" means a person who is residing in a facility.

15 **2. Parental or legal guardian authority.** A health care practitioner, health care
16 provider or facility may not:

17 A. Withhold, withdraw or place any restrictions on life-sustaining measures for a
18 minor without the written consent of a parent or legal guardian of the minor;

19 B. Institute a do-not-resuscitate order or similar physician's order for a minor without
20 the written consent of a parent or legal guardian of the minor;

21 C. Interfere with the efforts of a parent or legal guardian of a minor to obtain a medical
22 opinion about the minor's medical condition or transfer the minor to another health care
23 provider or facility;

24 D. Refuse to provide immediate access to a minor, or the medical records of a minor,
25 to a health care practitioner, health care provider or facility designated by a parent or
26 legal guardian of the minor; or

27 E. Hinder or delay the efforts of a parent or legal guardian of a minor to obtain
28 necessary measures, mechanisms or procedures for the minor, including an immediate
29 tracheostomy or gastrostomy tube required to facilitate a transfer to another health care
30 provider or facility.

31 **3. Revocation of consent.** A parent or legal guardian of a minor may revoke in writing
32 consent given under subsection 2, paragraph A or B. A revocation under this subsection
33 takes precedence over any prior consent and must be immediately recorded in the minor's
34 medical records specifying who revoked the consent, who, if anyone, witnessed the
35 revocation and the date and time the revocation was given.

36 **4. Failure to contact.** The provisions of subsection 2, paragraph A or B do not apply
37 if the health care practitioner, health care provider or facility makes a reasonably diligent
38 and documented effort to contact a parent or legal guardian of the minor within a 72-hour
39 period.

40 **5. Duties of health care practitioner, health care provider or facility.** A health
41 care practitioner, health care provider or facility shall:

1 A. If a parent or legal guardian of a minor requests a transfer under subsection 2,
2 paragraph C, continue the provision of life-sustaining measures, including artificially
3 administered nutrition and hydration, until the transfer and make every reasonable
4 effort to assist in the transfer process; and

5 B. Upon the request of a parent or legal guardian of a minor in the care of the health
6 care practitioner, health care provider or facility, disclose verbally and in writing any
7 policies of the health care practitioner, health care provider or facility regarding
8 resuscitation, life-sustaining measures or measures considered nonbeneficial,
9 ineffective, futile or inappropriate for patients or residents. This paragraph does not
10 require a health care practitioner, health care provider or facility to have a policy
11 regarding resuscitation, life-sustaining measures or measures considered
12 nonbeneficial, ineffective, futile or inappropriate for patients or residents.

13 **6. Parental and legal guardian authority.** A parent or legal guardian of a minor
14 maintains all rights under this section unless there is destruction of the circulatory and
15 respiratory systems and the entire brain of the minor.

16 **7. Presumption of continuation of life.** There is a presumption that the continuation
17 of life is in a minor's best interest, and a court may not order the withdrawal of life-
18 sustaining measures from a minor over the objections of a parent or legal guardian of the
19 minor unless there is destruction of the circulatory and respiratory systems and the entire
20 brain of the minor.

21 SUMMARY

22 This bill prohibits health care practitioners, health care providers and facilities such as
23 nursing homes, hospitals and children's homes from withholding life-sustaining measures
24 or instituting a do-not-resuscitate order for an unemancipated minor without the written
25 consent of a parent or legal guardian of the minor. Health care practitioners, health care
26 providers and facilities may not hinder a parent or legal guardian of a minor to seek another
27 medical opinion or transfer the minor to another health care provider or facility and are
28 required to continue providing life-sustaining measures until the transfer, continue to allow
29 access to the minor and the minor's medical records and inform the parent or legal guardian
30 of any policies regarding resuscitation, life-sustaining measures or measures considered
31 nonbeneficial, ineffective, futile or inappropriate for patients or residents. The bill provides
32 that there is a presumption that the continuation of life is in a minor's best interest and that
33 the parental or legal guardian authority does not end and the authority of a court to order
34 the withdrawal of life-sustaining measures from a minor does not take precedence over the
35 objections of a parent or legal guardian of the minor unless there is destruction of the
36 circulatory and respiratory systems and the entire brain of the minor.