

SENATE FILE NO. SF0082

Do not resuscitate directives.

Sponsored by: Senator(s) Driskill, Anselmi-Dalton, Baldwin,
Gierau, Hutchings, Landen, Nethercott and
Schuler and Representative(s) Henderson and
Lindholm

A BILL

for

1 AN ACT relating to living wills and driver's licenses;
2 establishing do not resuscitate directives and
3 identification; authorizing a do not resuscitate
4 identification on a person's driver's license or
5 identification card; making conforming amendments; and
6 providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 31-7-142 and 35-22-601 through
11 35-22-608 are created to read:

12

13 **31-7-142. Do not resuscitate directive designation.**

14

1 The department shall, at the applicant's request, identify on
2 the Wyoming driver's license or identification card that the
3 person has a do not resuscitate directive in effect and on
4 file with the department.

5

6

ARTICLE 6

7

DO NOT RESUSCITATE DIRECTIVES AND IDENTIFICATION

8

9

35-22-601. Definitions.

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(a) As used in this article:

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(i) "Cardiopulmonary resuscitation" means
measures to restore cardiac function or to support breathing
in the event of respiratory or cardiac arrest or malfunction.
"Cardiopulmonary resuscitation" includes, but is not limited
to, chest compression, delivering electric shock to the chest
or other manual or mechanical methods to assist breathing;

(ii) "Do not resuscitate directive" means a
directive signed by a person and a health care provider that
cardiopulmonary resuscitation should not be administered to
the person;

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2 (iii) "Do not resuscitate identification" means a
3 standardized identification bracelet, physician order or
4 designation on a Wyoming driver's license or identification
5 card;

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7 (iv) "Emergency medical service personnel" means
8 any emergency medical technician at any level who is certified
9 by the department of health. "Emergency medical service
10 personnel" includes a first responder certified by the
11 department of health;

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13 (v) "Health care provider" means as defined in
14 W.S. 1-1-130(b)(i);

15

16 (vi) "Law enforcement officer" means as defined in
17 W.S. 35-7-1002(a)(xxiv);

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19 (vii) "Trauma" means blunt or penetrating bodily
20 injuries from impacts that occur in situations including, but
21 not limited to, motor vehicle collisions, mass casualty
22 incidents and industrial accidents.

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1 **35-22-602. Do not resuscitate directive; who may**
2 **execute; presumption.**

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4 (a) Any adult who has the capacity to provide informed
5 consent to, or refusal of, medical treatment may complete a
6 do not resuscitate directive as provided in this article for
7 the purpose of seeking a do not resuscitate designation under
8 W.S. 31-7-142 or to wear a do not resuscitate bracelet as
9 provided in W.S. 35-22-605(a)(iii).

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11 (b) In the absence of a do not resuscitate directive,
12 a person's consent to cardiopulmonary resuscitation in the
13 event of trauma and where other directives are not known and
14 available shall be presumed.

15

16 **35-22-603. Do not resuscitate directive;**
17 **applicability; liability of emergency medical service and law**
18 **enforcement officers.**

19

20 (a) For purposes of direction to emergency medical
21 service personnel and law enforcement officers, a do not
22 resuscitate directive shall not apply to treatment rendered
23 at the site where trauma has occurred to a person who

1 experiences cardiac or respiratory arrest as the result of
2 trauma.

3

4 (b) Health care providers and health care facilities
5 shall comply with a do not resuscitate directive that is
6 apparent and immediately available and that does not conflict
7 with any other directive that is apparent and immediately
8 available.

9

10 (c) Any emergency medical service personnel, law
11 enforcement officer, health care provider, health care
12 facility or any other person who, in good faith, complies
13 with a do not resuscitate directive that is reasonably
14 perceived to be valid shall not be subject to civil or
15 criminal liability or regulatory sanction for compliance.

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17 (d) Emergency medical service personnel and law
18 enforcement officers who perform cardiopulmonary
19 resuscitation to a person with an active do not resuscitate
20 directive at the scene where trauma has occurred to that
21 person shall not be subject to civil or criminal liability
22 for failing to comply with the provisions of the active do
23 not resuscitate directive.

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2 **35-22-604. Do not resuscitate directive; form;**
3 **issuance; revocation.**

4

5 (a) Upon request, a health care provider may sign a do
6 not resuscitate directive that a person has completed. The do
7 not resuscitate directive shall be on a form prescribed by
8 the department of health and shall include the following
9 information:

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11 (i) The person's name, date of birth and sex;

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13 (ii) The person's eye and hair color;

14

15 (iii) The person's race or ethnic background;

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17 (iv) The name, address and telephone number of the
18 person's designated physician;

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20 (v) An acknowledgment by the person that
21 cardiopulmonary resuscitation will be withheld in the event
22 of cardiac or respiratory arrest and that the do not

1 resuscitate directive will remain in effect until revoked by
2 the person;

3

4 (vi) The person's signature;

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6 (vii) The issuing physician's signature;

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8 (viii) The date on which the do not resuscitate
9 directive was signed by the person and the issuing physician.

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11 (b) A person with an active do not resuscitate
12 directive may revoke the directive at any time on a standard
13 form prescribed by the department of health. Any revocation
14 shall include an acknowledgment by the person that the person
15 wishes to revoke a do not resuscitate directive and the
16 person's signature. A person with a do not resuscitate
17 designation on his driver's license or identification card
18 pursuant to W.S. 31-7-142 or 31-8-101 shall be responsible
19 for notifying the department of transportation and for
20 seeking the removal of the do not resuscitate designation.
21 The department of transportation shall make a form available
22 for a person to seek removal of a do not resuscitate
23 designation.

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2 **35-22-605. Do not resuscitate directive;**
3 **identification.**

4

5 (a) A person with an active do not resuscitate
6 directive may use the following as a do not resuscitate
7 identification:

8

9 (i) A signed copy of the do not resuscitate
10 directive;

11

12 (ii) A designation on the person's Wyoming
13 driver's license or identification card pursuant to W.S.
14 31-7-142;

15

16 (iii) A standardized medical condition bracelet
17 with the inscription of the person's name, date of birth in
18 numerical form and "WY Do Not Resuscitate" on the bracelet.

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20 **35-22-606. Effect of declaration after health care**
21 **facility admission.**

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1 A do not resuscitate directive for any person who is admitted
2 to a health care facility shall be implemented as a
3 physician's order concerning cardiopulmonary resuscitation
4 for the person, pending further physicians' orders and
5 subject to any other health care directive.

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7 **35-22-607. Effect of do not resuscitation directive;**
8 **absence; on life or health insurance.**

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10 An individual's execution of or refusal or failure to execute
11 a do not resuscitate directive shall not affect, impair or
12 modify any contract of life or health insurance or annuity to
13 which the individual is a party, shall not be the basis for
14 any delay in issuing or refusing to issue an annuity or policy
15 of life or health insurance and shall not be the basis for
16 any increase or decrease in premium charged to the individual.

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18 **35-22-608. Effect of article on euthanasia; mercy**
19 **killing; construction of statute.**

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21 Nothing in this article shall be construed as condoning,
22 authorizing or approving euthanasia or mercy killing. In
23 addition, the legislature does not intend that this article

1 be construed as permitting any affirmative or deliberate act
2 to end a person's life, except to permit natural death as
3 provided by this article.

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5 **Section 2.** W.S. 31-7-111(b) by creating a new paragraph
6 (xiii), 31-7-115(a)(iii) by creating a new subparagraph (N),
7 31-7-118, 31-8-101(a) and 31-8-103(c)(intro), (i) and (ii)
8 are amended to read:

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10 **31-7-111. Application for license or permit generally.**

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12 (b) The application shall include:

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14 (xiii) Whether the applicant wishes to submit a do
15 not resuscitate directive as provided for in W.S. 35-22-604
16 and have a do not resuscitate identification as provided for
17 in W.S. 31-7-142 and 35-22-605.

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19 **31-7-115. Issuance, description and contents.**

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21 (a) Upon the satisfactory completion of any required
22 examination, the division shall issue to every qualifying
23 applicant a driver's license, and:

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2

(iii) The driver's license shall include, but not be limited to, the following information:

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(N) The space for identification as having a do not resuscitate directive in effect as provided for in W.S. 31-7-142 and 35-22-604.

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31-7-118. Replacement license.

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If a license issued under this act is lost, destroyed or if the licensee desires to withdraw or insert notice of anatomical organ donation or a do not resuscitate directive, the person may obtain the appropriate replacement license upon payment of the proper fee and surrender of the original license, if available.

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31-8-101. Issuance to residents by department; restrictions.

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(a) Any Wyoming resident may be issued an identification card by the department of transportation. The application shall state the registrant's full legal name,

1 social security number, date of birth and any other
2 identifying data the department may require and shall be
3 signed and verified by the applicant. The identification
4 card shall at the applicant's request indicate that the
5 applicant is an anatomical organ donor as provided by W.S.
6 35-5-205 or that the applicant has an active do not
7 resuscitate directive as provided by W.S. 31-7-142 and
8 35-22-604.

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10 **31-8-103. Expiration; records; new cards.**

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12 (c) If any information contained in the identification
13 card becomes inaccurate, or if it is desired to withdraw or
14 insert notice of anatomical organ donation or a do not
15 resuscitate directive, the person to whom it was issued may
16 obtain a new card upon:

17

18 (i) Advising the department of his desire to
19 withdraw or insert notice of an anatomical organ donation or
20 a do not resuscitate directive or furnishing proof of the
21 inaccuracies to the department;

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1 (ii) Furnishing all documentary evidence
2 necessary to verify any material change to information listed
3 on the original identification card, including a do not
4 resuscitate directive or a revocation of a do not resuscitate
5 directive as provided by W.S. 35-22-604; and

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7 **Section 2.** This act is effective July 1, 2019.

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9

(END)