

anything that may take place or be required under the...under this act, that physician may not follow his or her conscience. That physician, if he or she chooses to follow his or her conscience is subject to criminal penalties and does time in jail. It's a...or at least potentially does time. It's...it forced the physician to make that choice between following the conscience, doing what...what morally they feel they have to do, and sub...or submitting themselves to potential criminal problems. It's not a choice that a physician should have to make. The...I don't believe that...that a physician in that situation should prevent, should stop somebody from exercising their rights, if we adopt this act, their rights under the act. That's not the intent of what we're doing. The question is...and a physician should not prohibit that, should not do anything to obstruct that. But should the physician be required to assist in doing so? And that's the sit...that's the situation we're looking at. I...I do not believe, and I think the language, if we're going to pass the act, we're going to make that policy decision. We should have language in there that prohibits the physician or health care provider from prohibiting the transfer. But the way I read this right now if you've got a young doc, first year out in a rural area, doesn't have much money because they're just starting out the practice, if that doctor does not...cannot, in good conscience, do what the living will requires the con...the physician to do, and the hospital refuses to transfer, it's the only doctor in town, that doctor has two choices, either violate his or her conscience, or violate the law and do what in effect is...well, what is, in fact, a Class I misdemeanor. Those are the choices that are available, because the way I read the bill, and Senator Landis can correct me if I'm wrong. The way I read the bill, if nobody else is providing for a transfer to another...to another hospital that will allow it, or to another doctor, that person has to provide actually for the transfer. I don't think this is a situation that we want our physicians to be in, although, although I can see that situation arising. I would urge that we...that we at least allow the physician the option to follow his or her own...own conscience, follow his or her own moral beliefs. I would urge the adoption of AM2594.

PRESIDENT MOUL: Thank you, Senator Lindsay. Senator Landis.

SENATOR LANDIS: Thank you, Madam President. If I thought this bill forced a doctor to commit the affirmative act of withdrawing tubes, against their will, I'd vote against it. I