

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 6382**

56th Legislature  
2000 Regular Session

Passed by the Senate February 14, 2000  
YEAS 48 NAYS 0

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**President of the Senate**

Passed by the House March 1, 2000  
YEAS 98 NAYS 0

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**Speaker of the  
House of Representatives**

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6382** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6382**

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Passed Legislature - 2000 Regular Session

**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, McCaslin, Long, Costa, Winsley, Rasmussen, Kohl-Welles and McAuliffe; by request of Attorney General)

Read first time 02/04/00.

1       AN ACT Relating to dependent persons; amending RCW 9A.42.040 and  
2 9A.42.045; adding a new section to chapter 9A.42 RCW; and prescribing  
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       NEW SECTION.   **Sec. 1.** A new section is added to chapter 9A.42 RCW  
6 to read as follows:

7       (1) A person is guilty of the crime of criminal mistreatment in the  
8 third degree if the person is the parent of a child, is a person  
9 entrusted with the physical custody of a child or other dependent  
10 person, or is a person employed to provide to the child or dependent  
11 person the basic necessities of life, and either:

12       (a) With criminal negligence, creates an imminent and substantial  
13 risk of substantial bodily harm to a child or dependent person by  
14 withholding any of the basic necessities of life; or

15       (b) With criminal negligence, causes substantial bodily harm to a  
16 child or dependent person by withholding any of the basic necessities  
17 of life.

18       (2) Criminal mistreatment in the third degree is a gross  
19 misdemeanor.

1       **Sec. 2.** RCW 9A.42.040 and 1986 c 250 s 4 are each amended to read  
2 as follows:

3       RCW 9A.42.020 ~~((and))~~, 9A.42.030, and section 1 of this act do not  
4 apply to ~~((a))~~ decisions to withdraw life support systems made in  
5 accordance with ~~((law by a health care professional and family members~~  
6 ~~or others with a legal duty to care for the patient))~~ chapter 7.70 or  
7 70.122 RCW by the dependent person, his or her legal surrogate, or  
8 others with a legal duty to care for the dependent person.

9       **Sec. 3.** RCW 9A.42.045 and 1997 c 392 s 512 are each amended to  
10 read as follows:

11       RCW 9A.42.020 ~~((and))~~, 9A.42.030, and section 1 of this act do not  
12 apply when a terminally ill or permanently unconscious person or his or  
13 her ~~((designee))~~ legal surrogate, as set forth in chapter 7.70 RCW,  
14 requests ~~((palliative care))~~, and the person receives, palliative care  
15 from a licensed home health agency, hospice agency, nursing home, or  
16 hospital ~~((who is))~~ providing care under the medical direction of a  
17 physician. As used in this section, the terms "terminally ill" and  
18 "permanently unconscious" have the same meaning as "terminal condition"  
19 and "permanent unconscious condition" in chapter 70.122 RCW.

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