



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1509

informed consent; signatures

Purpose

Requires, except in an emergency, informed consent obtained by a licensed physician, nurse practitioner (NP) or physician assistant (PA) for a surgical procedure to include the dated signatures of the patient, a witness and the physician, NP or PA providing the health care service.

Background

Consent is informed if the person giving the consent has been informed of and comprehends the nature, purpose, consequences, risks and benefits of the alternatives to the procedure, and has been informed and comprehends that withholding or withdrawing consent will not prejudice the future provision of care and services to the client. In cases of unusual or hazardous treatment, experimental research, organ transplantation and nontherapeutic surgery, consent is informed if, in addition to the foregoing, the person giving the consent has been informed of and comprehends the method to be used in the proposed procedure ([A.R.S § 36-551](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires, except in an emergency, informed consent obtained by a licensed physician, NP or PA for a surgical procedure to include the dated signatures of the patient, a witness and the physician, NP or PA providing the service.
2. Allows a patient's surrogate decision maker to sign an informed consent form in place of the patient.
3. Requires, if a patient or a patient's surrogate decision maker is physically unable to sign or mark an informed consent form for a surgical procedure, a witness to verify on the form that the patient directly indicated the intent to consent to the procedure.
4. Defines *surgical procedure* as the excision of or incision in a patient's body for any of the following:
 - a) the correction of a deformity or defect;
 - b) the repair of an injury; or
 - c) the diagnosis, amelioration or cure of a disease.
5. Specifies that the informed consent witness signature requirement is pursuant to a health care facility's policies, if applicable.

6. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Exempts emergency situations from informed consent signature requirements.
2. Narrows informed consent signature requirements to only apply to surgical procedures.
3. Allows a patient's surrogate decision maker to sign an informed consent form in place of the patient.
4. Requires, if a patient or a patient's surrogate decision maker is physically unable to sign or mark an informed consent form for a surgical procedure, a witness to verify on the form that the patient directly indicated the intent to consent to the procedure.
5. Defines *surgical procedure* as the excision of or incision in a patient's body for any of the following:
 - a) the correction of a deformity or defect;
 - b) the repair of an injury; or
 - c) the diagnosis, amelioration or cure of a disease.
6. Specifies that the informed consent witness signature requirement is pursuant to a health care facility's policies, if applicable.

Senate Action

HHS 2/13/24 DP 7-0-0

Prepared by Senate Research

March 5, 2024

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