

## October 26, 2015; Right to Die Laws Passing

In my first column, I made the observation that laws impact our lives from before birth until death and beyond. A recent news event reinforced this observation. On October 5<sup>th</sup>, California Governor Jerry Brown signed the End of Life Option Act into law. Under this legislation, terminally ill patients residing in California, who meet certain requirements, will now be allowed to legally end their own lives.

California is the 5<sup>th</sup> state to pass a “death with dignity law.” The others are Oregon, Washington, Vermont and Montana. Similar bills are currently pending in the legislative halls of 25 additional states.

Brown, a former Jesuit seminarian, anguished over his decision to sign the bill into law. He wrote, “I do not know what I would do if I were dying in prolonged and excruciating pain. I am certain, however, that it would be a comfort to be able to consider the options afforded by this bill. And I wouldn’t deny that right to others.”

The immediate cause of this resurgent interest in right to die legislation was the highly publicized fate of Brittany Maynard. On January 1, 2014, the 29 year-old, recently married Californian was diagnosed with terminal brain cancer. Her doctors gave her less than six months to live. She faced the prospect of a lingering, painful death. She wanted to die on her own terms, and at a time and place of her choosing.

Because California did not have a right to die law, she and her family moved across the border to Oregon, a state with a right to die law.

On November 1, 2014, Maynard, a schoolteacher, took a lethal dose of barbiturates. By then, millions were riveted by her story. Weeks prior to her death, with the assistance of Compassion and Choices, a nonprofit organization that lobbies for right to death legislation, she wrote an essay and released a YouTube video in which she explained why she wanted to end her life. Eleven million people viewed the video.

On October 6, *People* magazine published an interview with Maynard and continued to report on her plight over the next few weeks. On the day she did, *People* magazine digitally released the story of her death. The article was read by 16.1 million visitors, the largest digital audience ever for *People* magazine or for sister publications *Time*, *Sports Illustrated*, *Fortune*, and *InStyle*. An additional 54 million people were exposed to the story through Facebook.

In her essay Maynard wrote “I would not tell anyone else that he or she should choose death with dignity. My question is: Who has the right to tell me that I don’t deserve this choice? That I deserve to suffer for weeks or months in tremendous amounts of physical and emotional pain? Why should anyone have the right to make that choice for me?

“When my suffering becomes too great, I can say to all those I love. ‘I love you; come be by my side, and come say goodbye as I pass into whatever’s next.’ I will die upstairs in

my bedroom with my husband, mother, stepfather and best friend by my side and pass peacefully. I can't image trying to rob anyone else of that choice."

The impact of this tragic incident and its emotional overflow was immediate. Within a few months of Maynard's death, more than two dozen states, including California, introduced "right to die" legislation. The California bill was initially defeated in the Legislature.

However, on September 11<sup>th</sup>, through some tricky legislative maneuvering, the End of Life Option Act was attached to legislation meant to address the state's health insurance program shortfalls. This time, the bill passed.

Under the new law, an adult patient must make two oral and one written request to obtain a prescription for an aid-in-dying drug. Two doctors must then determine that the person is terminally ill and has less than six months to live. The patient's written request must be signed in front of two witnesses, only one of whom may be a relative. The witnesses must attest in writing that the person had the mental capacity to make such a grave request and did so of his or her own free will.

An attending physician must also counsel the individual on feasible alternatives or additional treatment options such as hospice care or pain control. Most importantly, the fatal dose must be self-administered in front of a witness.

Understandably, the reaction to this new law has been mixed. Over the next two weeks, I'll explore the pros and cons to death with dignity laws.