

# Colorado End of Life Options Act Information for State Residents

## Who Is Eligible for Medical Aid in Dying?

To be eligible for medical aid in dying under Colorado's law, an individual must be:

- > An adult
- > Terminally ill
- > Given a prognosis of six months or less to live
- > Mentally capable of making their own healthcare decisions

An individual must also be:

- > A resident of Colorado
- > Acting voluntarily
- > Making an informed decision that includes being given information about all other end-of-life options
- > Informed that s/he may choose to obtain the aid-in-dying medication but not take it
- > Capable of self-administering and ingesting the aid-in-dying medication

Two Colorado physicians must consult with the individual and agree that they are eligible to use the Colorado End of Life Options Act. One physician prescribes the medication, and the other gives a consulting opinion. If either physician is unable to determine whether the individual has mental capacity in making the request, a mental health professional (psychiatrist or psychologist) must evaluate the individual and ensure that they are capable of making their own healthcare decisions.

## What is the Colorado End of Life Options Act?

The Colorado End of Life Options Act<sup>1</sup> authorizes medical aid in dying. Medical aid in dying is a safe and trusted medical practice in which a terminally ill, mentally capable adult with a prognosis of six months or less to live may request from his or her doctor a prescription for medication which they can choose to self-ingest to bring about a peaceful death. The law will go into effect early January 2017.

## Steps for Using the Colorado Law to Access Medical Aid in Dying

In addition to the requirements listed previously, a process must be followed in order for an individual to qualify for a prescription for aid-in-dying medication. A person must:

- > **Make a total of three (3) voluntary requests — two oral requests at least 15 days apart and one written request** — using the statutory form, signed by two witnesses (see next section for who may and may not serve as a witness), **directly to the doctor**. The written request can be given to the doctor in the same visit as the first or second oral request. No specific order is required. Note: The requests cannot be made by a designee or third party (including relatives or anyone with power of attorney), and the request cannot be made via an advance healthcare directive.
- > Have the physical and mental ability to **self-administer the aid-in-dying medication by ingesting it**.

- > Prove residency in the state of Colorado by one of the following means:
  - > Possession of a driver license or other identification issued by the state of Colorado
  - > Registration to vote in Colorado
  - > Evidence of ownership or leasing of property in Colorado, or
  - > Filing of a Colorado tax return for the most recent tax year
- > **Make an informed decision to choose medical aid in dying as an option after the doctor provides full information on all end-of-life care options.**
- > Only one of the two witnesses may own, operate or be employed at a healthcare facility where the qualified individual is receiving medical treatment or resides.
- > The individual's attending physician, qualified power of attorney or durable medical power of attorney may NOT be one of the witnesses.

## Additional Provisions of the Colorado End of Life Options Act

- > **Persons with Disabilities or Elderly Persons:**  
The law specifically states that no person can qualify for aid-in-dying medication based on their disability or age.

Note: An individual may at any time withdraw the request for the aid-in-dying medication or decide not to ingest it.

## Rules Regarding Witnesses to Medical Aid-in-Dying Requests

To access medical aid in dying, a person must have **two witnesses sign the statutory request form** in the presence of the individual requesting aid-in-dying medication. This form will be available on the State Department of Health's website after the law goes into effect in early January.

Specifically, the Colorado End of Life Options Act requires that:

- > The two adult witnesses attest that, to the best of their knowledge and belief, the person requesting the medication:
  - > Is known to them or has provided proof of identity
  - > Voluntarily signed the request in their presence
  - > Appears to be of sound mind and not under duress, fraud or undue influence
- > Only one of the two witnesses may be related by blood, marriage or adoption; or be a person entitled to a portion of the person's estate upon death.

Please see additional  
Compassion & Choices information on  
Colorado's End of Life Options Act at  
<https://www.compassionandchoices.org/colorado/>

For more information about the full range of  
end-of-life options please visit  
[www.compassionandchoices.org/information](http://www.compassionandchoices.org/information).

### Resources

<sup>1</sup>Colorado End of Life Options Act. Proposition 106. October 2016. Available from  
<http://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2015-2016/145Final.pdf>