

New York Medical Aid in Dying Act **A4321A (Paulin)/S6471 (Savino)**

The Legislation Allows:

A terminally ill, mentally capable adult with a prognosis of 6 months or less to live to have the option to request, obtain and decide to ingest medication to die peacefully in their sleep if suffering is unbearable.

The bill is modeled after the Oregon Death with Dignity Act, which has been in effect for more than 20 years without a single instance of abuse or coercion.

Eligibility Criteria

Just like the Oregon Death with Dignity Act, to be eligible, a person must:

- Be an adult, aged 18 or older
- Have a medically confirmed terminal illness that is incurable and irreversible and will likely cause death within 6 months
- Be mentally capable of making an informed health care decision

Individuals are not eligible for medical aid in dying because of age or disability.

Core Safeguards and Regulatory Requirements

- The individual must be able to self-ingest the medication.
- Two physicians must confirm that the person is terminally ill with a prognosis of 6 months or less to live, is making an informed health care decision and is not being coerced.
- The terminally ill person can withdraw their request for aid-in-dying medication, not take the medication once they have it or otherwise change their mind at any point in time.
- The attending physician must inform the requesting individual about all of their end-of-life care options, including palliative care and hospice.
- There is a mandatory mental health evaluation if either physician has concerns about the person's mental capacity to make their own healthcare decisions. The mental health provider must confirm in writing the dying person's capacity before a prescription can be written.
- The individual must make an oral and a written request (requiring two witnesses — one cannot be a relative or someone who stands to benefit from the person's estate) for aid-in-dying medication.
- Health insurance benefits are unaffected by the availability of medical aid in dying and life insurance payments can't be denied to the families of people who use the law.
- No physician, health provider or pharmacist is required to participate in medical aid in dying. Those who do and comply with all aspects of the law receive civil and criminal immunity.
- Anyone attempting to coerce a patient will face criminal prosecution.
- Unused medication must be disposed of as required by state and federal laws.
- The New York Health Commissioner is required to issue a publicly available annual report about the usage of the law. Patient and physician identifying information is kept confidential.
- The underlying illness — not medical aid in dying — will be listed as the cause of death on the death certificate.

For More Information Contact

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Care and Choice at the End of Life