

New York Medical Aid in Dying Act A2694 (Paulin)/S3947 (Savino)

The Legislation Allows:

A terminally ill, mentally capable adult with a prognosis of six months or less to live the option to request, obtain and take medication — should they choose — die peacefully if their sleep if their suffering becomes unbearable.

The bill is modeled after the Oregon Death with Dignity Act, which has been in practice for more than 20 years without a single instance of abuse or coercion. It includes the following core safeguards:

- Only those with an incurable and irreversible terminal illness and six-month prognosis that has been confirmed by two doctors are eligible. Individuals are not eligible for medical aid in dying because of age or disability.
- The attending physician must inform the requesting individual about all of their end-of-life care options, including hospice and pain or symptom management.
- A terminally ill person can withdraw their request for medication, not take the medication once they have it or otherwise change their mind at any point.
- The individual must be able to self-administer the medication.

The Act also includes the following regulatory and procedural requirements:

- The individual must make three separate requests for the medication, two oral requests and one written request. Two people must witness the written request, one of whom can't be a relative or someone who stands to benefit from the person's estate.
- If either doctor has concerns about the patient's mental capacity, they must make a referral to a mental health professional for an additional assessment. Medication can't be prescribed until mental capacity is determined.
- 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 those who use the law.
- No physician, health provider or pharmacist is required to participate. Those who do participate and comply with all aspects of the law are given civil and criminal immunity.
- Anyone attempting to coerce a patient will face criminal prosecution.
- Unused medication must be disposed of according to the guidelines specified by the U.S. Food and Drug Administration.
- The state department of health is required to issue a publicly available annual report. Identifying information about individual patients and doctors 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

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