

## **Bill Summary: Massachusetts, An Act Relative to End of Life Options, H.2381 and S.1384**

### **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 — to die peacefully in 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:

- A terminal illness and six-month prognosis must be confirmed by two doctors. 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 two separate requests for the medication, one oral and one written, with a 15-day waiting period between the first and second request.
- The written request must be witnessed by two people, one of whom can't be a relative or someone who stands to benefit from the person's estate.
- Medication can't be prescribed until mental capacity is confirmed by a licensed mental health specialist.
- Prescribing doctors must comply with medical-record documentation requirements and make records available to the state department of health.
- Providers who participate and comply with all aspects of the law are given civil and criminal immunity.
- Anyone attempting to coerce a patient is subject to criminal penalties.
- 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.

- 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.

### **Additional Information About the Bill:**

#### Primary Sponsors:

- Senator Jo Comerford
- Representative James J. O'Day

#### Legislation:

- <https://malegislature.gov/Bills/192/H2381>
- <https://malegislature.gov/Bills/192/S1384>

#### Compassion & Choices Website:

- <https://www.compassionandchoices.org/massachusetts/>

### **For More Information:**

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*Compassion & Choices is comprised of two organizations that improve care and expand options at life's end: Compassion & Choices (501(c)(3)) educates, empowers, defends, and advocates; the Compassion & Choices Action Network (501(c)(4)) focuses exclusively on legislation, ballot campaigns, and limited electoral work.*

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