

Article #17

Non-Binding Resolution for the Town of Amherst Town Meeting to Call on the State Legislature to Pass 'The End of Life Options Act' and Make Massachusetts the 7th State plus Washington DC to allow citizens to request and receive compassionate aid in dying medication from their doctor.

**Article #17 presented by Nadine Shank, 5 Burgundy Lane, Amherst MA
Member, Pioneer Valley Death with Dignity Action Group**

The End of Life Options Act (H1194, S1225) Summary of the bill in the Massachusetts Legislature, 2017-2018

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 20 years without a single instance of abuse or coercion. It includes over a dozen safeguards:

- The patient must be able to **take the medication themselves.**
- The terminal illness, six-month prognosis and mental capability to make an informed health care decision **must be confirmed by two doctors** both licensed in medicine in the state of Massachusetts— the attending physician, who has primary responsibility for the person's care, and a consulting physician, qualified by specialty or experience to make a professional diagnosis and prognosis regarding a terminally ill patient's condition.
- Patients are not eligible for medical aid in dying **because of age or disability.**
- The attending physician **must inform the requesting patient about all of their end-of-life care options**, including hospice and pain and symptom management.
- Medication can't be prescribed **until mental capacity is determined by a mental health professional.**
- **Two separate requests for the medication must be made**, one oral and one written, with a 15-day waiting period between the first and second request. Two people must witness the written request, one of whom can't be someone who stands to benefit from the person's estate.
- **Prescribing doctors must comply with medical-record documentation requirements** and make records available to the state department of health
- **Providers have civil and criminal immunity** for participating in the law as long as they comply with all aspects of the law.
- **Anyone attempting to coerce a patient will face criminal prosecution**

- **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.
- **Life insurance payments can't be denied** to the families of those who use the law because they used 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 and the Massachusetts Department of Environmental Protection.
- **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:* ● Rep. Louis L. Kafka (Democrat) ● Sen. Barbara L'Italien (Democrat)

(For a complete list of additional sponsors and co-sponsors see the following:

<https://malegislature.gov/Bills/190/H1194/Cosponsor> <https://malegislature.gov/Bills/190/S1225/Cosponsor>

-- *Full text:*

<https://malegislature.gov/Bills/190/H1194> <https://malegislature.gov/Bills/190/S1225>

-- *Compassion & Choices*

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

-- *More Information:* Marie Manis, Massachusetts State Campaign Manager at Compassion & Choices mmanis@compassionandchoices.org*

In 2012, the Massachusetts “Death with Dignity” Initiative (Question 2) that would have authorized medical aid in dying was defeated in the November general election ballot: 51.9% opposed to 48.1% in favor. Polls between May and October 2012 showed that a solid majority, exceeding 60% of voters, favored the initiative. Support weakened, however, in the face of a \$5 million TV and radio ad campaign by the opposition in the final weeks before the vote. In Amherst, 72.34% of the voters voted in favor of the referendum to authorize medical aid in dying.

*** Based on a February 2014 poll (2) by the nonpartisan firm Purple Insights, 70% of Massachusetts voters support the right of terminally ill, mentally competent adults to end their own lives. More than half (53%) strongly supported it. Majorities across age groups support this right (<50 years: 72%, 50-64 years: 71%, 65 years+: 70%); 64% of Catholics and 61% of Republicans supported it.**