

STATES ABANDON INITIAL “SAFEGUARDS” TO EXPAND ASSISTED SUICIDE LAWS

CALIFORNIA

- 2021
 - SB 380. Shortened the waiting period from 15 days to 48 hours. **Passed and signed into law.**
 - Court case: *Shavelson, M.D. et al v. California Department of Health Care Services*, was a challenge in federal district court asking that the California assisted suicide law allow euthanasia of people with disabilities who cannot self-administer the lethal drugs. The district court judge dismissed the complaint and it was appealed. The case died at the appeals court when the plaintiff died.
- 2024
 - SB 1196
 - i. Removed the six-month terminal illness prognosis requirement and instead allowed requests for those who have a grievous and irremediable disease that is causing unbearable suffering.
 - ii. Allowed dementia patients to request assisted suicide after evaluation by two physicians determines they have sufficient capacity to understand the consequences of their choice.
 - iii. Allowed self-administration of lethal drugs via IV infusion.
 - iv. Eliminated the sunset clause making the law permanent.

COLORADO

- 2024
 - SB 24-068: Allows an Advance Practice Registered Nurse to prescribe lethal drugs, reduces the waiting period from 15 days to 7 days, and clarifies that only psychiatrists and psychologists can certify if someone is of sound mind.
 - *Journal of Eating Disorders*: An article published in this *Journal* documents that two women with anorexia in their early 30s were given assisted suicide drugs to end their lives. This expansion was not authorized by Colorado law allowing assisted suicide (1).

HAWAI'I

- 2020
 - SB 3047: Allowed advance directives to be used to request prescriptions for lethal drugs. Bill did not advance.
 - SB 542: Required reimbursement for lethal drugs and penalized pharmacies and pharmacists who refused to fill a prescription. Bill did not advance.
 - SB 2582, HB 2451: Allowed Advance Practice Registered Nurses to prescribe lethal drugs and reduced waiting periods. Bill did not advance.
- 2023
 - HB 650: Added Advanced Practice Registered Nurses to prescribe lethal drugs in addition to physicians; reduced the waiting period from 20 days to 5 days and waived the waiting period for patients not expected to survive the 5 days. **Passed and signed into law.**

NEW JERSEY

- 2023
 - AB 4921: Reduced the waiting period to 48 hours if the patient is not expected to survive for 15 days. Bill did not advance.
 - Court case: *Judith Govatos, et al v. Murphy, et al*, a challenge filed in federal court to remove the residency requirement as unconstitutional. A motion to dismiss is pending.
- 2024
 - A 1880: Removes the residency requirement.

OREGON

- 2017
 - SB 893: Permitted a patient's healthcare agent "to collect and administer prescribed medication for purpose of ending patient's life . . . if patient ceases to be capable after having received prescription for life-ending medication." Bill would have enabled euthanasia of patients with dementia or Alzheimer's. Bill did not advance.
- 2019
 - SB 579: Removed the 15-day waiting period. **Passed and signed into law.**
 - HB 2232: Changed the definition of terminal illness to include a disease that will "produce or substantially contribute to a patient's death." Bill did not advance.
 - HB 2217 and HB 2232: Allowed self-administration of lethal drugs by any means which could include lethal injection. Bill did not advance.
 - HB 2903: Explicitly expanded the definition of "terminal disease" to include individuals with "a degenerative condition that will, at some point in the future, be the cause of a patient's death." Bill did not advance.
- 2021
 - Court case: *Nicholas Gideonse, M.D. vs. Kate Brown*, a challenge in federal district court claiming that the residency requirement in Oregon's assisted suicide law is unconstitutional. The case was not officially decided as the state and the plaintiffs reached a settlement that the state would not enforce that part of the statute.
 - Oregon Report: The report describes expansion beyond what would be viewed as terminal illness by reporting that patients who died from lethal assisted suicide drugs included deaths due to diabetes, anorexia, arthritis, arteritis, blood disease, complications from a fall, hernia, kidney failure, medical care complications, musculoskeletal system disorders, sclerosis, and stenosis (2).
- 2023
 - HB 2279: Removed the residency requirement. **Passed and signed into law.**

VERMONT

- 2022
 - S.74: Reduced the waiting period, removed the in-person consultation. **Passed and signed into law.**
- 2023
 - S.26: Removed the residency requirement. **Passed and signed into law.**
 - Court case: *Vermont: Bluestein and Barnard v. Scott, et al*, a challenge in federal district court claiming that the residency requirement in Vermont's assisted suicide law is unconstitutional. Challenge dismissed after passage of S. 26.

WASHINGTON STATE

- 2023

- SB 5179: Added Physician Assistants and Nurse Practitioners as prescribers of lethal drugs; added social workers, psychiatric nurse practitioners or “mental health counselors” as assessors of capacity to make medical decisions; reduced the waiting period from 15 days to 7 days and eliminated the 48-hour period between written request and lethal prescription; and allowed lethal drugs to be sent by personal delivery, messenger service, U.S. mail or parcel service. **Passed and signed into law.**

EXPANSION GOALS OF PROPONENTS OF ASSISTED SUICIDE

States are already expanding assisted suicide. According to bioethicist Thaddeus Pope, five more reforms could be coming (3):

- **Six-month prognosis:** Remove the six-month prognosis to allow assisted suicide for patients who are seriously and irreversibly ill.
- **Advance directives:** Permit individuals with late-stage dementia to request assisted suicide through use of advance directives.
- **Assisted self-administration:** Allow individuals unable to self-administer lethal drugs due to neurological conditions to receive assistance, a move to implement euthanasia,
- **Intravenous administration:** Allow lethal drugs to be administered through IV infusion rather than ingestion, a move to implement euthanasia.
- **Medicare coverage:** Repeal the Assisted Suicide Funding Restriction Act of 1997 (ASFRA) to allow federal funds to be used for assisted suicide drugs.

1. Terminal anorexia nervosa: three cases and proposed clinical characteristics

2. Oregon Death With Dignity Act, p.12-14

3. Medical Aid in Dying