

CBA LPRC POSITION REQUEST FORM

The CBA Elder Law **position request** is as follows:

- 1) Proposed legislative or regulatory concept:
Aid in Dying.
- 2) A plain language explanation and rationale for advancing this position:
The Elder Law Section supports legislation that allows an adult, competent, Connecticut resident, who has been determined by two physicians to be competent and have a terminal illness, to request aid in dying for them to self-administer from their attending physician, with appropriate safeguards (caregivers and heirs cannot be witnesses and the two independent physicians must advise the patient of the availability of counselling).

Such a law would allow those persons who meet the stringent tests found in legislation of this nature, and who are in the final end stage of a terminal illness as determined by two physicians, to choose to end their lives before the underlying disease process would do so, by self-ingesting a prescription obtained from a physician who is voluntarily willing to provide such assistance, and allow the patient to avoid the suffering the disease process would cause. These laws are sometimes referred to as death with dignity laws because some persons who use such laws want to end their lives in a time and place of their choosing and before the possible loss of control over their bodies, with associated fear and sometimes uncontrollable pain. Similar laws are now in effect in Oregon, Washington, California, Vermont, New Jersey, Colorado, Hawaii, Maine, and the District of Columbia. Montana does not have a statute safeguarding physician assisted death, but in 2009 the Montana Supreme Court issued a ruling effectively allowing the practice.

- 3) Is draft regulation, legislation or proposed bill included?
No.
- 4) What is the date of any legislative hearing, if known?
N/A.
- 5) Was this position previously approved by the CBA? If so, when does/did it expire?
Yes. Expires the end of the 2021 Legislative session.
- 6) Is the CBA section or committee seeking to join a previously approved CBA section or committee position?
No.

- 7) Potential or actual CBA opposition from another CBA section or committee?
Recently spoke with Barbara Collins chair of the Human Rights and Responsibilities Section, and there is no objection provided that the following conditions are in place: (1) enough protections, specifically, with respect to the disabled community; and (2) the following language be added into the first paragraph of No. 2 above, “(caregivers and heirs cannot be witnesses and the two independent physicians must advise the patient of the availability of counselling).”
- 8) Strength of section position (including process and results of section vote taken on issue):
The Legislative Committee circulated a survey to the Executive Committee inquiring whether they want the Section to renew its position on this issue. Out of 22 members that participated in the survey, 18 members voted to renew the Section’s position regarding Aid in Dying.
- 9) Fiscal impact (on the state):
None.