**CBA LPRC POSITION REQUEST FORM**

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

1. Proposed legislative or regulatory concept:

That the Elder Law Section of the CBA be granted approval to hold a Section position, that the legislature should adopt a law that allows an adult, competent, Connecticut resident, who has 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.

1. A plain language explanation and rationale for advancing this position:

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.

1. Is draft regulation, legislation or proposed bill included?

No.

1. What is the date of any legislative hearing, if known?

We expect a public hearing the week of February 22, per Melissa Biggs.

1. Was this position previously approved by the CBA? If so, when does/did it expire?

A similar position was approved in we believe 2014, which expired at the end of the 2020 legislative session. See attached. When the Section learned about expiring positions last fall, and voted to renew expiring positions, this position was somehow omitted from that process.

1. Is the CBA section or committee seeking to join a previously approved CBA section or committee position?

No.

1. Potential or actual CBA opposition from another CBA section or committee?

Possibly from the Human Rights and Responsibilities Section, as the expired position was jointly held with that Section. We note the position was negotiated 7 years ago, and over that time many more states have adopted aid in dying laws, including Maine, New Jersey and Vermont. It may be that given the passage of time and the growing number of States that have aid in dying laws, that the HRRS Section will not now find it necessary to object.

1. Strength of section position (including process and results of section vote taken on issue)

On February 10 a survey was sent to the Executive Committee asking that the members vote whether they want the Section to take a position on this issue, and if so whether to support or oppose.

One member abstained from voting. 17 voted. 14 voted in favor of taking a position, and 3 opposed taking a position. On the question of whether to support or oppose such a law, 14 voted in favor of the law, and 2 against.

1. Fiscal impact (on the state):

None.

1. Are you seeking “fast-track” approval?[[1]](#footnote-1)

Yes.

1. A “fast track” recommendation will be submitted to the House of Delegates (HOD) or Board of Governors (BOG) at its next scheduled meeting (or, if between meetings of the HOD or BOG and during the legislative session, to the Executive Committee), and is warranted only when the Legislative Policy & Review Committee concludes that further analysis and study is unnecessary and where there is legitimate time pressure to address pending legislation. [↑](#footnote-ref-1)