



## Recent Developments in Physician-Assisted Suicide

July 2004

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### LITIGATION

*Oregon v. Ashcroft*, 368 F.3d 1118 (9th Cir. 2004), aff'd 192 F.Supp.2d 1077 (D.Or. 2002)

- e. Further review. The Attorney General has 45 days to request a rehearing from the three-judge panel or an en banc review from an 11-judge panel. Any active judge can request en banc review, which is granted only by majority vote of all active judges. In lieu of seeking review in the Ninth Circuit, the Attorney General may appeal to the U.S. Supreme Court within 90 days.
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## LEGISLATION

1. Arizona. On 1/19/04, H.B. 2172 (known as the Patient Comfort and Control Act) was introduced in the 2004 session of the legislature. The bill would amend Arizona's advance directive statutes so that a person could indicate a desire to control suffering in the event of terminal illness by obtaining a prescription for lethal medication. The advance directive would have to be executed at least three months before the person requests a prescription. Except for the requirement for execution of an advance directive, the provisions of the Arizona bill are similar to the Oregon Death with Dignity Act. The bill was assigned to committees on 2/9/04 and had its second reading on 2/10/04, but no further action was taken.
2. Hawaii. On 3/7/02, the Hawaii House passed by a vote of 30-20 the Hawaii Death with Dignity Act, patterned after the Oregon Death with Dignity Act. The Senate initially voted 13-12 in favor of the bill but finally rejected it by a vote of 11-14. On 1/17/03, Senator Colleen Hanabusa again introduced the bill in the Senate as S.B. 391; a companion bill was introduced in the House as H.B. 862. The bills were referred to committee and did not reach a vote, but they were carried over to the 2004 Regular Session of the legislature. On 3/4/04, an emotional four-hour hearing before the House Judiciary Committee was held on H.B. 862, with over 150 witnesses testifying. The committee voted 10-5 in favor of the bill after amending its residency provisions, and sent the bill to the House of Representatives. However, House Democrats sent the bill back to the committee on 3/9/04. The bill's supporters indicated they would try again in the 2005 legislature.
3. Oregon
  - a. Reported abuse. At the American Psychiatric Association meeting in May 2004, psychiatrist N. Gregory Hamilton (a vocal opponent of the Oregon Death with Dignity Act) and his wife Catherine presented a paper claiming that the case of Michael Freeland illustrated the potential for serious abuse under the Act.
  - b. Prevention of elderly suicides. Oregon is launching a new program aimed at preventing elderly suicide. The Department of Human Services is holding a series of community meetings around Oregon focusing on the issue and seeking to increase awareness of the problem. Program administrators emphasize the difference between elderly suicide and physician-assisted suicide, which is legal in Oregon.

### Vermont

- a. Two bills introduced. Two bills relating to assisted suicide were introduced in the Vermont General Assembly in February 2003. H. 275 would criminalize assisted suicide. H. 318 was patterned after the Oregon Death with Dignity Act. After considerable public debate, both bills were carried over to the 2004 legislative session.
- b. Current status. In light of the controversy over H. 318, Vermont Senator James Leddy and Representative Thomas Koch, chairs of the Senate and House Health and Welfare Committees, announced in January 2004 that their committees would not take up the bill this year. However, supporters of H. 318 are expected to introduce it again next year.
- c. Hearings held. Legislative hearings were held during February 2004 on H. 318 and on ways to improve end-of-life care. In response, the legislature agreed to support an effort by Attorney General William Sorrell to draft a comprehensive end-of-life policy for Vermont. The legislature asked Sorrell to finish his report by 11/15/04.

Legislative research. A letter signed by 78 members of the Vermont House has asked the Legislative Council's office to analyze Oregon's experience with physician-assisted suicide, but to refrain from making any policy recommendations on the matter. William Russell, who heads the Legislative Council, said that his staff would go forward with the analysis despite orders to the contrary from the House Health and (c.)ToPks td5tiv HousVfBT8.sychiatrist N. Oregon

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Organizations to merge. The boards of the Compassion in Dying Federation and End-of-Life Choices (formerly the

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wanted to die before she turned 80.

Bulgaria. On 6/2/04, after a week of intense debate, 93 of the 107 members of the Bulgarian parliament voted to maintain the law prohibiting euthanasia.

Canada. At a conference of 450 Reform rabbis held in Toronto during June 2004, a resolution opposing physician-assisted suicide was tabled by a vote of 68 to 62. The vast majority of the rabbis were American, with a handful of Europeans and about a dozen Israelis.

China

the Proposed legislation Wang Zhihong, a young, thoughtful legislator (of Chinese origin) in the 10th National People's Congress (NPC) in 2008, has pushed for legalization of euthanasia. However, his effort is considered very unlikely to succeed.



report to the Parliamentary Assembly of the Council of Europe, calling on European countries to study and eventually decriminalize euthanasia. Marty said that, although only Belgium and the Netherlands officially permit euthanasia, studies have shown that this practice is widespread in several other European countries with authorities purposely ignoring the situation.

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\* Some information obtained from media reports has not been independently verified.