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Testimony Supporting House Bill 5326, An Act Concerning Compassionate Aid in Dying for Terminally Ill Patients

March 17, 2014

Senator Gerratana, Representative Johnson and distinguished members of the Public Health Committee, my name is Andrew Schneider. I'm the Executive Director of the American Civil Liberties Union of Connecticut and I'm here to testify in support of House Bill No. 5326, An Act Concerning Compassionate Aid in Dying for Terminally Ill Patients.

A growing number of states allow their terminally ill residents to choose a peaceful and dignified death. Oregon, Washington, Vermont, Montana and New Mexico now grant individuals the mercy and respect of determining for themselves how much suffering and indignity they will endure. Those states honor until the very end of life the self-determination that is so valued in our culture and our Constitution. Connecticut must not pass up another chance to join them. I entreat you to pass this bill this session. We say that justice delayed is justice denied. For the terminally ill who are suffering now, whose time is short, justice can't come too soon.

The American Civil Liberties Union of Connecticut supports aid-in-dying legislation because we believe the liberties protected by the Fourteenth Amendment include the liberty to make personal and intimate decisions not just about how to live but also about how to die. We understand the concerns that some opponents have, but we are convinced this bill addresses those concerns with proven safeguards to protect the terminally ill from coercion and mistakes. In the 16 years that Oregon has allowed aid in dying, its Public Health Department has never found a single case of coercion, abuse or misuse of the law. This legislation is modeled on that law, with safeguards even more stringent than those in the bill raised here last year.

We understand that some people will not even contemplate the choice offered by aid in dying because their religious beliefs or moral understanding don't permit it. Nobody – no doctor, hospital, institution or individual – can be compelled to participate in another person's choice of aid in dying. This bill protects them. But no person should be able to deny the choice to others. They must not presume to dictate an agonizing death for another human being.

This bill ensures that aid in dying will be voluntary and permitted only for patients who are mentally competent and terminally ill, with a prognosis of no more than six months of life remaining. Patients must make two written requests, with a 15-day waiting period between them, for a prescription for aid in dying. Witnesses are required for those requests, and doctors must keep detailed records of the entire process. The bill mandates a second doctor's opinion and provides for counseling and multiple opportunities to withdraw the request.

Passing this bill will not bring an onslaught of aid-in-dying requests. Last year, only 71 terminally ill people in Oregon took medication acquired through the aid-in-dying law to bring about their deaths. Over 16 years, more than a third of those who obtained aid-in-dying prescriptions in Oregon didn't use them.¹ We can't calculate the suffering that was alleviated for those who chose to use the medication. We can't quantify the peace of mind afforded everyone who obtained a prescription, whether they used it or not. We can't know how many people were comforted merely by the knowledge that the option existed. But we can act to help the residents of our own state in the same way.

As Judge Nan G. Nash wrote, in the decision that guaranteed aid-in-dying rights to residents of New Mexico under that state's constitution, "This Court cannot envision a right more fundamental, more private or more integral to the liberty, safety and happiness of a New Mexican than the right of a competent, terminally ill patient to choose aid in dying. If decisions made in the shadow of one's imminent death regarding how they and their loved ones will face that death are not fundamental and at the core of these constitutional guarantees, then what decisions are?"²

Support for aid in dying has been growing for decades. Last year a nationwide Gallup poll showed that 70 percent of Americans agreed that doctors and terminally ill patients should be able to choose to "end the patient's life by some painless means."³ A Quinnipiac poll released less than two weeks ago showed that the people of Connecticut support aid in dying by a ratio of nearly 2-1.⁴ Most of us can wait while that shift in opinion progresses even further. But there are people right here in Connecticut whose time is running out right now. Please pass this bill for them.

¹<http://public.health.oregon.gov/ProviderPartnerResources/EvaluationResearch/DeathwithDignityAct/Documents/year16.pdf>

² <https://newmexico.tylerhost.net/ServeDocument.ashx?SID=0730da82-c2ce-4331-9d34-98fe74190124&RID=001664dd-e045-4d6c-b5ce-1294189b0a7a>

³ <http://www.gallup.com/poll/162815/support-euthanasia-hinges-described.aspx>

⁴ <http://www.quinnipiac.edu/institutes-and-centers/polling-institute/connecticut/release-detail?ReleaseID=2016>