

**Initiative #100
Medical Aid-in-Dying**

1 **Amendment ? proposes amending the Colorado Constitution to:**

- 2 ♦ establish that a mentally competent adult with an incurable, life-limiting
3 medical condition has the right to obtain medical aid-in-dying to
4 voluntarily end his or her life;
- 5 ♦ allow an adult to enter into a conditional agreement to receive medical
6 aid-in-dying, even if the adult loses mental competency in the future;
7 and
- 8 ♦ establish immunity from criminal prosecution, civil liability, and
9 professional discipline for any person, group, or medical professional
10 who assists an individual in securing medical aid-in-dying.

11 **Summary and Analysis**

12 ***Rights of individuals to access medical aid-in-dying.*** Amendment ? amends
13 the Bill of Rights in Colorado's Constitution to establish that a mentally competent
14 adult who has an incurable, life-limiting medical condition has the right, free from
15 government interference, to receive medical aid-in-dying. Medical aid-in-dying is a
16 process that allows a medical professional to assist an eligible person with voluntarily
17 ending his or her own life, such as through the administration of lethal medication. The
18 individual's request for medical aid-in-dying may be withdrawn at any time.

19 ***Conditional agreement for medical aid-in-dying.*** The measure permits the
20 creation of a conditional, time-deferred medical aid-in-dying agreement between an
21 adult who anticipates losing mental competency in the future and a medical
22 professional. The agreement specifies the conditions that must be met for the adult to
23 access medical aid-in-dying in the future. A medical professional may withdraw from
24 the agreement at any time in the manner specified in the agreement.

25 ***Immunity for assisting with medical aid-in-dying.*** A person is immune from
26 criminal prosecution, civil liability, and professional discipline when he or she can
27 present documentation, such as written documents or video and audio recordings, that
28 the request for and administration of medical aid-in-dying was voluntary by all parties
29 involved. With regard to penalties, payments, or legal requirements that could arise,
30 the measure states that medical aid-in-dying is not suicide or assisted suicide.

31 ***Legislation.*** Amendment ? allows the state legislature to clarify the
32 documentation that may be required to participate in medical aid-in-dying, but the
33 state legislature cannot limit or restrict the other provisions of the measure.

*For information on those issue committees that support or oppose the measures on the ballot at the **November 8, 2016**, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:*

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

1 **Arguments For**

2 1) Amendment ? allows an individual with a life-limiting, chronic medical condition
3 to choose when to end his or her life. Medical treatments for an incurable illness can
4 be invasive and impersonal, and often needlessly prolong the dying process. The
5 practice of medical aid-in-dying is consistent with other medical options that protect an
6 individual's ability to make his or her own medical decisions, such as do not
7 resuscitate orders, or the withdrawal of nutrition. Individuals should have the freedom
8 and autonomy to make choices about their end of life care without the government
9 restricting their full range of options.

10 2) Amendment ? allows a person to avoid a diminished quality of life or prolonged
11 pain and suffering. When faced with a diagnosis of a life-limiting, chronic illness,
12 many individuals want the comfort of knowing that they will not needlessly suffer if the
13 illness takes away their physical or mental capabilities. Amendment ? allows a person
14 to enter into a conditional, time-deferred medical aid-in-dying agreement with a
15 medical professional, to be exercised when and if certain conditions are met. The
16 measure allows an individual's request for a peaceful death to be honored, even if the
17 individual becomes physically incapacitated or mentally incompetent in the future.

18 **Arguments Against**

19 1) Amendment ? lacks sufficient protections for the public and makes medical
20 aid-in-dying too broadly available. It allows easy access to lethal medication for any
21 mentally competent adult with an incurable disease without requiring that the disease
22 be life-threatening and does not provide any specific safeguards for obtaining and
23 administering the medication. Further, the measure does not specify the role of the
24 medical professional in administering medical aid-in-dying, require the professional to
25 be a doctor, require that the professional know the individual, or limit the availability of
26 medical aid-in-dying to Colorado residents. The measure grants broad immunity from
27 liability for participation in medical aid-in-dying without enough protections; a person
28 only has to provide documentation that at one point the request was voluntary.

1 2) Amendment ? may lead to the abuse and exploitation of vulnerable populations
2 who could be coerced into receiving medical aid-in-dying rather than continuing
3 medical treatments. The measure lacks adequate protections to shield vulnerable
4 people, such as those who are disabled, from family members and others who may
5 benefit from their premature death. It does not require any independent verification
6 that an individual willingly entered into a medical aid-in-dying agreement or that his or
7 her wishes are accurately represented in the agreement. Permitting medical
8 aid-in-dying may lead to a reduced emphasis on treating individuals with life-limiting,
9 incurable illnesses or developing new options to provide care and pain relief.

10 **Estimate of Fiscal Impact**

11 *(Please Note: A summary of the fiscal impact will be included in this space in the*
12 *second draft of the analysis, and an official fiscal note will be prepared and placed on*
13 *the web when the final blue book is sent to voters.)*