

Proposed Amendment (Number2016#34) to the Constitution of the State of Colorado, Be

it Enacted by the People of the State of Colorado:

Colo. Const. Article II, **Section 3 INALIENABLE RIGHTS OR Section 28 RIGHTS RE-SERVED NOT DISPARAGED**

(1) **Findings.** (a) Advances in medical science have made the act of dying more complicated than it once was. New, more aggressive medical practices are curing many, but not all, formerly fatal conditions. These treatments, however, are sometimes so stressful and expensive that some Coloradans develop the opinion that the treatment is worse than the disease. At this point a few of these patients conclude that they have to regain control of their situation by investigating whatever less common and non-traditional treatment options they can find.

(b) Some patients with terminal or incurable medical conditions decide that the best solution for their situation is to shorten their suffering or dying period by utilizing Medical Aid In Dying (MAID.)

(c) Despite the fact that both the Declaration of Independence and the constitution of the state of Colorado proclaim that certain natural rights -such as life, liberty and the pursuit of happiness - are so fundamental as to be self-evidently inalienable, Coloradans do not currently have the liberty to manage the end of their own lives by obtaining a medical professional's assistance in achieving a peaceful death through the careful administration of prescription drugs.

(2) **Declarations.** (a) The people of Colorado hereby proclaim that all mentally competent adults in Colorado are responsible for the management of personal medical decisions. These "Citizen-sovereigns" have the inalienable, natural right of the liberty at life's end to set the time and tone of their own deaths, requiring permission of no person, governmental body or religious organization.

(b) The people of Colorado hereby further declare that any person or group assisting a citizen-sovereign obtain Medical Aid In Dying is immune from criminal prosecution and civil liability upon presentation of documentation supporting the claim that the request for, and the rendering of, MAID was voluntary on the part of all involved.

(c) (I) The citizen-sovereign's right to obtain Medical Aid In Dying is not limited to the maintenance of mental competency only, but can be durable into incompetency if desired and documented.

(c) (II) At any point in time while an adult is still mentally competent and, therefore, functioning as a citizen-sovereign, arrangements can be made to receive MAID at some future date when the predetermined conditions are met. citizen-sovereign can arrange, by well- documented agreement with the medical professional involved, to receive MAID at some future date, even though the citizen-sovereign would no longer be mentally competent by the time the conditions in the contract were met. Such Medical Aid in Dying shall

be called "Conditional MAID".

(c) (III) Participation in MAID and Conditional MAID is always voluntary and agreement to participation in the procedure can be withdrawn at any time by anyone involved.

(3) **Legislation.** Legislation may be enacted to clarify the definition of the documentation required by this article. Said clarification, however, shall be limited to that necessary to fulfil the intent of the operation of this article by June 1, 2017, but in no way shall such legislation limit or restrict the provisions of Section 3a or 28a, or the rights and powers herein declared.

(4) **Definitions.** As used in this Section:

(a) "Adult" means a person eighteen (18) years of age or older.

(b) "Acceptable Documentation" means artifacts, such as, but not limited to, written documents, video, audio tapes, etc. that are presented to support the claim that needs to be set forth by legislation that will be designed to verify that the citizen-sovereign voluntarily requested MAID or Conditional MAID.

(c) "Medical Professional" means a person who, pursuant to a license, certification, registration, or other authority granted in state law, is authorized to administer health care or dispense medication in the ordinary course of business or practice of a profession. The term includes a health care facility.

(b) "Medical Aid In Dying" means helping a citizen-sovereign succeed in the voluntarily pursued goal of achieving a peaceful death. The term "Medical Aid In Dying" refers solely to the application of medical procedures. It does not include non-medical actions such as hanging or asphyxiation.

(c) "Citizen-sovereign" means a mentally competent adult citizen of the United States of America who has retained all rights and privileges not granted to any governmental body by their respective constitutions or by judicial action.

(d) "Mental Competency" applies to any adult in Colorado who possess the necessary and sufficient decisional ability to be responsible for his or her own decisions and actions.

(e) "Voluntary" means proceeding, or acting, or done of one's own free will and consent, unintimidated by coercion or compulsion from others.

(f) "Immunity" means freedom from penalties, payments or legal requirements that could arise from assisting a suicide or attempted suicide because, under the provisions of this Section, MAID and Conditional MAID are not suicide or assisting a suicide.

(5) **Effective Date.** The General Assembly shall complete its work so this Amendment can become effective on June 1, 2017.

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