

Colo. Const. Article II, Section 28a Medical Aid in Dying

Be it Enacted by the People of the State of Colorado:

(1) **Findings.** (a) Recent advances in medical science have made it possible to prolong the dying process through the use of medical or surgical procedures and have, thus, made the act of dying more complicated than it once was. This medical manipulation of death is resulting in the unintended consequence of rendering one's inalienable right to determine the time and tone of one's own death null and void.

(b) Death is inevitable and must be faced by all people. (I) Laws that limit an individual's options for facing impending death to withholding medical treatment, starvation, or dehydration are unacceptable government restrictions of an individual right. (II) Both the Declaration of Independence and the constitution of the state of Colorado proclaim that certain inalienable rights such as life, liberty and the pursuit of happiness are so fundamental as to be self-evident and belong to the individual by natural endowment. Therefore, many Coloradans believe that they should 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 a medical procedure.

(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 right of the liberty at life's end to set the time and tone of their own death, requiring permission of no person, governmental body or religious organization. Each of these citizen-sovereigns of the United States owns a residue of individual rights and liberties which have never been, and which are never to be surrendered to the state, but which are still to be recognized, protected and secured from infringement or diminution by any person as well as any department of government.

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

(c) The citizen-sovereign's right to obtain MAID is not limited to the maintenance of mental competency only, but can be durable into incompetency if desired by the citizen-sovereign and supported by acceptable documentation.

(I) At any point in time while an adult is still mentally competent and functioning as a citizen-sovereign, arrangements can be made to receive MAID at some future date when the predetermined conditions are met, even though the citizen-sovereign would, at that point, no longer be mentally competent.

(II) Such Medical Aid in Dying shall be called, Conditional Medical Aid in Dying (CMAID). The specifications in the CMAID contract represent the wishes of the patient when he or she was mentally competent and considering the specifications that would activate the terms of the CMAID contract.

(III) Participation in MAID and CMAID is always voluntary. Agreement to participate in the procedure can be withdrawn at any time by any adult contractually involved.

(3) **Definitions.** As used in this SECTION:

(a) "Acceptable Documentation" means artifacts, such as, but not limited to, written documents, video, audio tapes, etc. that are presented to support the claim that the citizen-sovereign voluntarily requested MAID or Conditional MAID.

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

(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.

(d) "Medical Aid in Dying" means helping a citizen-sovereign succeed in the voluntary pursuit 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 or constitute assisted suicide.

(e) "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.

(f) "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.

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

(h) "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 CMAID are not suicide or assisted suicide.

(4) **Legislation.** This amendment is complete as written, but Legislation may be enacted to clarify the definition of the documentation required by this SECTION. However, said clarification of the Acceptable Documentation shall be limited to that necessary to fulfill the intent of this SECTION.

(5) **Effective Date.** The General Assembly shall complete its work so this Amendment can become effective on June 15, 2017.

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Designated Representatives

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