

Testimony in Opposition of HB 16-1054

Presented before the Colorado House Judiciary Committee

Thursday, February 4, 2016

Good day Ladies and Gentlemen of the Committee

My name is Carrie Ann Lucas. I am here today on behalf of Not Dead Yet and the Disabled Parent's Rights. I am 44 years old, and I live in and work in Windsor. I am a disabled woman, a mother, an attorney and a business owner. I and the organizations I represent are opposed to HB 16-1054 because we approach this issue through a lens of social justice and believe the majority cannot be put at risk to appease the minority. If this bill passes, lives will be lost due to mistakes, abuse and coercion. These are mistakes that cannot be corrected because death is final.

I am a person with multiple disabilities. I have a progressive neuromuscular disease that is terminal. I am a person who qualifies for this bill.

I firsthand have seen the medical community devalue my life and my disabled loved ones. 18 years ago, my doctor tried to dissuade me from getting a gastrostomy tube when I began experiencing a series of aspiration pneumonia. Ten years ago my doctor tried to dissuade me from going on a ventilator when the weakness in my diaphragm started to cause me to suffocate. Just this fall my otherwise healthy, but disabled 25 year old went under anesthesia for routine tooth extractions. I was asked does she have a DNR order? Do you want a DNR order? Are you sure you don't want a DNR order? I have more disabled friends than I can count who awoke from surgery or a medical crisis to find a DNR bracelet on their arm, placed without their knowledge or consent. We have real fear because this bill provides one more way for the medical community to devalue our lives and push us toward death.

We have seen in Oregon, with the cases of Randy Stroup and Barbara Wagner, disabled people be offered physician assisted suicide as a treatment option, when the Oregon Medicaid plan denied the medications their doctors prescribed. A few hundred dollars for a lethal prescription is dwarfed by my attendant care costs.

Even if you are inclined to support the idea of physician assisted suicide, this bill is so fraught with problems that it should not pass in its current format. The limited so-called safeguards are nullified by the good faith immunity in the bill. Provisions related to wills, contracts and insurance are unconstitutional. People are unable to opt out of the bill, by say putting a clause in their will. An heir can witness the request for a lethal prescription – something we can't have when having a will signed. No statistics will be kept to monitor implementation, and even worse, the

bill requires false records to be kept. People can doctor shop to get around the limited so-called safeguards.

Of all of these issues, the immunity is most troubling. Between the false records, and the immunity, participants are not required to follow the tenets of the law. As an attorney, I know how difficult it is to prove that someone was not acting in good faith, which makes those provisions unenforceable.

If Colorado is going to enact assisted suicide, at least make an attempt to protect the most vulnerable. Create robust safeguards, eliminate the immunity, require accurate records to be kept, and require reporting to monitor compliance. As it stands, this law just places a target on the back of those most vulnerable. Vote no on this bill, and insist that if this concept is brought back before this body, that it have robust safeguards that truly protect the vulnerable, rather than put us at risk for the benefit of the minority.