

Testimony in Opposition of SB 16-025

Presented before the Colorado State Senate, Veterans, and Military Affairs
Committee

Wednesday, February 3, 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 am a parent to four children with disabilities, two of whom are dependent on medical technology to live. I and the organizations I represent are opposed to SB 25. 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 has caused me to lose muscle function throughout my entire body. I have weakness in every muscle in my body, including my facial and eye muscles. My organs are affected, I have low vision, and I am very hard of hearing. I have a gastrostomy tube, and I am dependent on a ventilator to breathe. Without my ventilator, I don't have years to live. I don't have 6 months, 6 weeks, or 6 days, I have hours. I have a terminal condition – very much like ALS, and I would be covered by this bill. I understand the sponsors have said this bill is not for the disabled, but respectfully the sponsors are incorrect. This bill directly affects me, my family and my community.

If I were to become depressed, either situational depression, or major depression, and this bill passes, I could go to my doctor and ask for a lethal prescription. Because I have a disability, and because physicians are terrible at evaluating quality of life of people with disabilities, I would likely be given that lethal prescription, rather than be referred for mental health treatment. And if my doctor did not give me the lethal prescription, I could simply doctor shop until I found one who would. A woman in my situation but without my disabilities would not get a lethal prescription, and would most likely encounter a vigorous effort to ensure she did not take her life. That is disability discrimination.

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.

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