

Bill Summary: Massachusetts, An Act Relative to End of Life Options, H171 and S395

The Legislation Allows:

A terminally ill, mentally capable adult with a prognosis of six months or less to live the option to request, obtain and take medication — should they choose — to die peacefully in their sleep if their suffering becomes unbearable.

The bill is modeled after the Oregon Death with Dignity Act, which has been in practice for 20 years without a single instance of abuse or coercion. It includes the following core safeguards:

- A terminal illness and six-month prognosis must be confirmed by two doctors. Individuals are not eligible for medical aid in dying because of age or disability.
- The attending physician must inform the requesting individual about all of their end-of-life care options, including hospice and pain or symptom management.
- A terminally ill person can withdraw their request for medication, not take the medication once they have it or otherwise change their mind at any point.
- The individual must be able to self-administer the medication.

The Act also includes the following regulatory and procedural requirements:

- The individual must make two separate requests for the medication, one oral and one written, with a 15-day waiting period between the first and second request.
- The written request must be witnessed by two people, one of whom can't be a relative or someone who stands to benefit from the person's estate.
- Medication can't be prescribed until mental capacity is confirmed by a licensed mental health specialist.
- Prescribing doctors must comply with medical-record documentation requirements and make records available to the state department of health.
- Providers who participate and comply with all aspects of the law are given civil and criminal immunity.
- Anyone attempting to coerce a patient is subject to criminal penalties.
- Life insurance payments can't be denied to the families of those who use the law.
- No physician, health provider or pharmacist is required to participate.

- Unused medication must be disposed of according to the guidelines specified by the U.S. Food and Drug Administration.
- The state department of health is required to issue a publicly available annual report. Identifying information about individual patients and doctors is kept confidential.
- The underlying illness — not medical aid in dying — will be listed as the cause of death on the death certificate.

Additional Information About the Bill:

Primary Sponsors:

- Representative Louis L. Kafka
- Senator William Brownsberger

Additional Sponsors or Co-Sponsors:

H171 and S395 have more than 60 cosponsors. Click the links below for the most up to date list.

Legislation:

<https://malegislature.gov/Bills/191/HD171>

<https://malegislature.gov/Bills/191/SD395>

Compassion & Choices Website:

<https://www.compassionandchoices.org/massachusetts/>

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