

**Analysis of Proposed Colorado Constitutional Amendment
to Legalize "Medical Aid in Dying"**
(Amendment Number 2016#34)

The Colorado proposal presents a flashback to the early 1990s when Compassion & Choices (then called the Hemlock Society) spearheaded attempts in Washington and California to legalize both euthanasia by lethal injection and assisted suicide by a prescription for a deadly overdose of drugs. As with the current Colorado proposal, the practices they would have permitted were called "aid in dying."¹ Both measures failed, in large part because the public recoiled from the specter of the syringe-wielding physician. Since then, proponents of "aid in dying" have limited their proposals to doctor-prescribed suicide – until now.

The Colorado proposal would enshrine death on demand for any reason as a constitutional right.

According to the amendment, a Colorado resident would be "Duke or Duchess of his or her own castle."² Such individuals would have the right to "set the time and tone of their own death, requiring permission of no person or organization."³

Although the amendment states that requirements could be set forth by later legislation, such requirements would only be for the purpose of verifying that the person voluntarily, made the death request "but in no way shall limit or restrict"⁴ the right of any adult to obtain "medical aid in dying."

The amendment would legalize "medical aid in dying," described as death by administration of oral or intravenous drugs (both doctor-prescribed suicide and euthanasia).⁵

As written, the Colorado proposal would permit the types of activities carried out in Michigan by Jack Kevorkian. Kevorkian ended the lives of more than 100 individuals⁶ by hooking some of them up to a gadget he originally called the "Mercitron"⁷ that delivered lethal drugs by an intravenous line. Not all of Kevorkian's victims had serious medical conditions.

The amendment would require only that the persons who would be eligible for "medical aid in dying" be adult Colorado residents who are freely choosing to end their lives.

Nothing in the proposal requires that the person would have any diagnosed medical condition in order to be eligible to have their lives ended by administration of oral or intravenous drugs.

The amendment would protect "any person or group" that assists an individual to obtain "medical aid in dying" from criminal prosecution or civil liability.⁸

This would permit formation of suicide advocacy groups and other death promoting organizations to function "immune from criminal prosecution and civil liability"⁹ as long as the person or group presented some documentation of the voluntary nature of the action.

Such documentation could include mere membership in a suicide or euthanasia organization whose members document a claim that their desire is to have their deaths carried out according to the principles of the organization.

The amendment would permit any person or group to end an incompetent person's life by administering oral or intravenous drugs.

The amendment would permit administering death to a person who is incompetent as long as there has been a prior agreement that death be administered if the person loses the ability to make his or her own decision.¹⁰

As written, the amendment would permit a group of young adults to establish a suicide club. The club could select a date on which all would die together and could document the decision by signing a written agreement.

Would this happen? Perhaps not. But, as noted above, every adult Colorado resident would have the right to "set the time and tone of their own death, requiring permission of no person or organization."¹¹

Whenever examining a law, it is important to find what *could* happen and to recognize that if something *could* be done, it will be – by someone.

¹ Washington's proposal, "Initiative 119: Death with Dignity Act," was defeated on November 5, 1991. The following year, an identical "Death with Dignity Act" appeared on California's ballot as Proposition 161. It also failed to win approval.

² Section 5. Definition of "Citizen Sovereign."

³ Section 3.

⁴ Section 5. Definition of "Acceptable Documentation."

⁵ Section 5. Definition of "Medical Aid in Dying."

⁶ For a list of Kevorkian's victims, see: <http://www.patientsrightscouncil.org/site/kevorkian-victims>.

⁷ For documented information about Kevorkian's activities, see: <http://www.patientsrightscouncil.org/site/the-real-jack-kevorkian>.

⁸ Section 3 (a).

⁹ Section 3 (a).

¹⁰ Section 3 (b).

¹¹ Section 3.
