

FINAL OPTIONS ILLINOIS

formerly Hemlock of Illinois • Advancing the Right to Death With Dignity

January, 2016

Victory in California!

Strong aid-in-dying bill is signed by Governor Brown, and becomes law. The right to aid-in-dying is now established in five states.

2015 will be remembered for two historic dates: on September 11 when the California legislature passed the End of Life Option Act and on October 5 when Governor Jerry Brown signed it. California thus became the fifth US state – together with Oregon, Washington, Vermont and Montana – to establish the fundamental human right to aid-in-dying.

Governor Brown issued a profound and brief signing statement – five short paragraphs: “The crux of the matter,” he wrote, “is whether the State of California should make it a crime for a dying person to end his life, no matter how great his pain or suffering.” He noted the many arguments pro and con, and concluded: **“In the end, I was left to reflect on what I would want in the face of my own death. I do not know what I would do if I were dying in prolonged and excruciating pain. I am certain, however, that it would be a comfort to be able to consider the options afforded by this bill. And I wouldn’t deny that right to others.”**

The strength of public support for this wonderful new law was evident on January 5, when it was announced that opponents had failed to raise enough signatures to put a referendum trying to overturn it on the November ballot. **“An overwhelming majority of Californians supports the End of Life Option Act,”** said Toni Broaddus, California campaign director for Compassion & Choices, which led the statewide campaign to pass the law. “Opponents simply could not inspire the people of California to take away options for people who are dying.”

With more than 37 million people, California is our nation’s most populous state, and it’s one of our most advanced and diverse states. There’s a lot of truth to the saying, “As California goes, so goes the nation.” Our victory in California is a sign of more to come. **Please read on for more on this historic step forward!**

Victory in Quebec!

Courts reject challenges, aid-in-dying bill went into effect on December 10
Aid-in-dying will soon be available all across Canada

On December 10, aid-in-dying became available to all terminally ill residents of the Canadian province of Quebec, when Bill 52, “An Act respecting end of life care” went into effect.

The bill was passed in June 2014 by an overwhelming 94-22 majority of the Quebec legislature, but implementation was held up by court challenges. On December 22 of last year, however, the Quebec Court of Appeal decisively rejected these challenges.

Gaéтан Barrette, Quebec’s Minister of Health, thanked the court, saying **“We’re offering citizens of this province a continuum of options, and that’s the very essence of this bill. We believe in this province that society has evolved to a point where citizens have the right to choose.”**

Dr. David Amies, a member of the Physicians Advisory Council of Dying With Dignity Canada, wrote **“I suspect that once the first few cases are concluded with empathy and care, there will be an increasing level of support. Physicians and the general public will come to accept that medical skill does not have all the answers and that some competent people can and will decide for themselves that they have had enough.”**

On February 6, 2015, the Canadian Supreme Court ruled unanimously (9-0) that Canadians have a fundamental human right to physician aid-in-dying at end of life. The court gave the federal and provincial legislatures one year to craft laws implementing its ruling. Fervent discussions are going on all across Canada, and with the one-year anniversary of that ruling fast approaching, the Canadian federal government has requested a six month extension. Visit the website of Dying With Dignity Canada at www.dyingwithdignity.ca for more exciting news.

California's Historic Moment: 25 Years in the Making



Lois Wolk, George Eighmey and Bill Monning on Sep. 11, 2015

By George Eighmey, President of the Death With Dignity National Center

On September 11, 2015 California Senate Majority Leader Bill Monning and Senate Majority Whip Lois Wolk joined with me to celebrate the passage of the End of Life Option Act that was sent to Governor Jerry Brown's desk for signing.

On October 5, 2015 we celebrated again when Governor Jerry Brown signed the bill into law. I presented a rose to Debbie Ziegler, mother of Brittany Maynard, the young woman who moved a nation and California in particular to support the right of terminally ill adults to have the option to end their pain and suffering in a humane and dignified manner. Debbie's persistence and promise she made to her daughter was instrumental in persuading legislators to support the new law.

Gov. Brown, a former Jesuit seminarian, said in his signing statement, "I have considered the theological and religious perspectives that any deliberate shortening of one's life is sinful." He continued, "I do not know what I would do if I were dying in prolonged and excruciating pain. I am certain, however, that it would be a comfort to be able to consider the options afforded by the bill. And I wouldn't deny the right to others." California's landmark statute now authorizes terminally ill adults who have been given six months or less to live by two physicians the legal right to ask their physician for a prescription for life-ending medication.

The success in California, however, was not won overnight. It took 25 years of groundwork and perseverance to make it to October 5, 2015.

There were a smattering of events, editorials and recommendations prior to 1990 that advocated for the right to die with dignity movement. In 1906 the Ohio legislature referred a bill to its Committee on Medical Jurisprudence, which proposed the legalization of active voluntary aid-in-dying. In 1976 California passed the Natural Death Act protecting physicians from being sued for failing to treat incurable illnesses at the request of the patient. In 1987 the California State Bar Conference passed a resolution to approve physician aid in dying.

National awareness began when Janet Adkins, an Oregonian, decided she wanted to hasten her death before the ravages of her disease did. It was 1990 and a relatively unknown physician in Michigan by the name of Jack Kevorkian defiantly assisted Janet with her death at her request. This act of compassion by Dr. Kevorkian sent shock waves around the world. Those who supported him called him a hero and those who opposed his act of humanity called him a killer. The debate over physician aid-in-dying became a national topic.

Also in 1990, the U.S. Supreme Court decided a landmark case; a ruling that held that Nancy Beth Cruzan, a young woman, left in a vegetative state after an auto accident, could be removed from her life support by her parents. Thus the Court for the first time held that a competent adult has a constitutionally protected liberty interest that includes a right to refuse medical treatment under certain state safeguards.

During this period Oregon Senator Frank Roberts introduced three Death with Dignity

Bills. None got out of committee, but they became templates for bills to be introduced later. Sen. Roberts' bill was redrafted and became a ballot initiative in the states of Washington in 1991 and California in 1992 where the voters rejected both. **But in 1994 the voters of Oregon passed a version of those bills rewritten by Eli Stutsman, founder and board member of Death with Dignity National Center. The new bill passed by a margin of 51% to 49%.**

Our efforts were renewed in California after the passage of Oregon's law. In 1994 the California Death with Dignity Education Center was founded as a national nonprofit organization working to promote a comprehensive, humane, responsive system of care for terminally ill patients. This organization was the forerunner of the Death with Dignity National Center. In the same year the California Bar once again approved aid-in-dying by an 85 percent majority.

The arduous journey in California would take another twenty-one years before we reached our goal. Advocate groups were formed, data from Oregon was gathered beginning in 1998 and legislative sponsors were sought. In 1999 California Assemblywoman Dion Aroner introduced a Death with Dignity Act based upon Oregon's law. It passed the Judiciary and Appropriations Committees, but it ultimately failed to reach a vote in the full Assembly.

Following years of judicial rulings and legislative attempts to overturn Oregon's law, including efforts by US Attorney John Ashcroft to revoke Oregon physicians' licenses to prescribe, California tried again in 2005. This time Assemblypersons Lloyd Levine and Patty Berg introduced the California Compassionate Choices Act modeled after Oregon's law. It failed as did a couple more attempts in California.

During the years 2005 to 2015 Washington state voters passed an Oregon style Death with Dignity law in 2008, Vermont legislators were the first to legislatively enact a death with dignity law in 2013, and the Montana Supreme Court ruled in 2009 that its state's physicians could legally prescribe aid-in-dying medication to terminally ill Montanans.

It wasn't until 2014 when a young terminally ill Californian made international news by

announcing she wanted the option to die with dignity, but had to leave her home state to do so. Californians now become better organized and ready to pass an aid-in-dying law. Brittany Maynard, not yet 30, was diagnosed with glioblastoma, an aggressive cancer and a terrible way to die. Together with her family, she moved to Oregon to take advantage of the Oregon aid-in-dying law. For the next several months she became the symbol of the Death with Dignity movement. Millions of people around the nation and around the world saw Maynard's videos on the Compassion & Choices website. In November, 2014, Maynard ended her life peacefully with the aid of the Oregon law.

Californians became passionate about the right to die issue, demanding their legislators enact an Oregon style law. It took the efforts of Senators Bill Monning and Lois Wolk along with Assemblywoman Susan Eggman to introduce the bill and to carry it through a very difficult legislative process where it passed on September 11, 2015 and was signed into law on October 5, 2015.

To some California's success appeared to be an overnight miracle, but it took years of community organizing, educating and promoting to pass legislation of this kind, even when 70% of the citizens supported it. However, now that a Death with Dignity law has passed in the nation's most populous state, we are closer to reaching that "tipping point" when more and more states will pass such legislation.

The Death with Dignity National Center will continue to promote, pass and protect these laws and we are confident our efforts will succeed in the next few years in Maryland, Maine, Hawaii, Washington D.C. which will give us momentum in Illinois, New York and other states.

Visit the Death With Dignity National Center website at www.deathwithdignity.org.

About the author: George Eighmey (pronounced Amy) practiced law in Illinois and Oregon until 2000. He served as a city councilor in Illinois and an Oregon State Representative from 1993-1999. As state representative he was vice-chair of the House Judiciary Committee and championed the Death with Dignity Act. George was the Executive Director of Compassion & Choices of Oregon for 12 years prior to joining the board of Death with Dignity National Center (DDNC) where he serves as board president. Write to George at geighmey@gmail.com

Hemlock of Illinois
Final Options Illinois
1055 W Bryn Mawr Ave #F212
Chicago IL 60660

**ADDRESS CORRECTION
REQUESTED**

**Exciting Event Coming Up !!!
1:00pm Sunday February 21: "Aid In Dying:
The Ultimate Human Right"
At the Countryside Church, in Palatine**

Final Options Illinois –January 2016 – Page 4

Aid In Dying Bill Introduced in Ireland

John Halligan, member of the Irish parliament from Waterford, has introduced the Dying With Dignity Bill. The proposed law will "recognize the right of clearly consenting adults who are enduring intolerable physical suffering to seek medical help to end their lives."

Deputy Halligan (members of the legislature are called Deputies in Ireland) said that the bill was inspired by the late Marie Fleming, who, while among the final stages of dying from multiple sclerosis, took a landmark challenge on Ireland's ban on aid-in-dying to the Irish Supreme Court.

"Marie lost that battle," Deputy Halligan said, "but the Chief Justice said that there was nothing to prevent the introduction of legislative measures to deal with cases such as hers. The Dignity With Dying Bill, which will come before the Dáil [the lower house] in 2016, sets out criteria to allow a person in enormous suffering to choose a dignified, pain-free death surrounded by loved ones, rather than continue to endure their excruciating torture with no quality of life, often completely incapacitated and in an unconscious state, and then die a horrendous death. We are talking about people who, in their most desperate moment of life, are being deprived of their humanitarian rights."

Thank you, Deputy Halligan!

About Final Options Illinois

Founded in 1984, **Final Options Illinois** is Illinois' independent voice working to establish the right to aid-in-dying for all mentally competent adults who are suffering intolerably and irremediably. Our original name was **Hemlock of Illinois**, and we changed it in 2015 to better reflect our mission.

We support all three major national groups working to advance the right to aid in dying: **Compassion & Choices**, the **Death With Dignity National Center**, and **Final Exit Network**.

If this is a right you want for yourself and your loved ones, please join us. Please mail tax-deductible contributions to the address below, or contribute securely online. Thank you !!!!!

Web: www.finaloptionsillinois.org.
Email: info@finaloptionsillinois.org
Phone: 815-366-7942 or 224-565-1500.
1055 W. Bryn Mawr #F212, Chicago IL 60660.

We recommend our website, which has a wealth of information and links to all of the national and international groups.

Drop us an email to be added to our **free** email list. There's no charge and you can always unsubscribe. Also, we're on Twitter now at @FinalOptionsIL. Follow us to get the latest news as it happens.

Come join ***FINAL OPTIONS ILLINOIS*** for
this exciting, free event

Aid in Dying: The Ultimate Human Right

Sunday, February 21, 2016 – 1:00 pm
Countryside Unitarian Church
1025 N. Smith Street, Palatine

Speakers:

- **Ed Gogol**, president of Final Options Illinois;
- **Nancy Kloetzli**, retired physician and board member of Final Options Illinois

The program will discuss the movement for aid-in-dying, and explain why Illinois must join with five other US states in making aid-in-dying a fundamental human right.

FINAL OPTIONS ILLINOIS

What is Aid In Dying, also known as **Death With Dignity**? Even with the best palliative care, suffering at life's end is sometimes extreme. That's when the most rational choice can be to hasten one's death - to avoid needlessly suffering through the final, agonizing stages of dying. Mentally competent adults, suffering intolerably at end of life, should have a basic human right to choose a peaceful, dignified, humane, and pain-free death. Physicians and loved ones should have the legal right to help their dying patients. We need legal change to secure these rights everywhere!!!

www.FinalOptionsIllinois.org • info@FinalOptionsIllinois.org • Twitter: @FinalOptionsIL
815-366-7942 or 224-565-1500 • 1055 W. Bryn Mawr Ave. #F212, Chicago IL 60660

The Illinois Patient Choices at End of Life Act – A Condensed Summary

Prepared by Final Options Illinois – www.finaloptionsillinois.org – June 27, 2015

Closely modeled after extremely successful death-with-dignity legislation in Oregon, Washington and Vermont, the Illinois Patient Choices at End of Life Act will provide a compassionate choice to the suffering terminally ill, with robust and tested protections. To take advantage of the law, you must be terminally ill, adult, mentally competent, and a resident of Illinois. The process starts when you request of your physician that he/she prescribe medication that you will self-administer to hasten your death.

Your physician and a second, consulting physician must agree that you are terminally ill – that in their reasonable medical opinion you can be expected to die within six months. And both doctors must agree that you are mentally competent and capable of making an informed decision. If either doctor has any doubts in this regard, they must refer you for evaluation to a licensed psychologist or psychiatrist, and the process may only proceed if that professional concludes that you are mentally competent and capable of making an informed decision.

It can't be an impulsive decision. You must make three separate requests, two oral and one written. There are two separate waiting periods mandated: fifteen days from the time of the first request, and two days from the time of the written request. The written request must be witnessed by at least two persons, at least one of whom must be unrelated to you and without any expectation of financial interest in your estate.

At every stage of the process, your physician must ensure that you are making an informed decision, make it clear that you will die if you take the medication to be prescribed, and explain the alternatives including hospice and palliative care. And at every stage your physician must provide you with the opportunity to rescind your request. This is critical: no one is ever being forced or encouraged to hasten their death, and the patient may change their mind at any time.

If every condition is met, your physician may prescribe "medication to be self-administered to hasten death." After that point, it's up to you. More than fifteen years of experience with the Oregon law shows that a significant percentage of people who obtain the needed prescription, never use it to hasten their death. Often, just knowing that you have the means to cut your suffering short should it become intolerable, gives people the courage to go on day by day, until they die naturally.

The law is explicit that you are hastening your death, not "committing suicide." Hence your doctors, nurses and loved ones are protected against prosecution for "assisting" in a suicide or "inducing" to suicide. Good-faith compliance with the Act may not be construed as unprofessional conduct or considered neglect. The law mandates that your death certificate shall list your underlying illness as the cause of death, and prohibits any clause in any contract or insurance policy from being conditioned upon or affected by your taking advantage of or not taking advantage of the Act.

No doctor, pharmacist or health care facility is obligated to participate in the Act. A health care facility which declines to participate in the Act, and which provides notice of this to physicians, may prohibit any physician from participating in the Act on its premises.

As in Oregon, Washington and Vermont, the law can be expected to be used by only a small percentage of dying patients – but for the suffering nearing the end of their lives, it can be a godsend. We believe that this is a simple matter of human rights, and that physicians participating in the law are acting ethically and fulfilling the highest obligations of their calling to relieve suffering.

Let's Start the New Year Right!

January 20, 2016

Dear supporters of the right to death with dignity,

Our movement took some amazing steps forward last year.

The right to aid in dying is now established in California, our nation's most populous state, and one of the most advanced and diverse. We're now up to five states where this fundamental human right is enshrined in law. Count them: Oregon, Washington, Vermont, Montana, and now California.

In Canada, the far-reaching aid-in-dying bill passed in the province of Quebec in 2014 has gone into effect. The right to aid-in-dying should become law all across Canada this year, as a result of a unanimous (that's right, unanimous) decision of the Canadian Supreme Court last February.

Campaigns for aid-in-dying laws are moving forward in many states, thanks to the capable leadership of the national groups Compassion & Choices and the Death With Dignity National Center.

Final Options Illinois has formed a coalition that includes Compassion & Choices and the American Civil Liberties Union. Together, we are working towards the introduction of the **Illinois Patient Choices At End of Life Act**. We've included a summary of our bill in this mailing, and you can read the proposed law's full text on our website.

To mount a credible campaign for our Illinois aid-in-dying law, we need to become a lot bigger and stronger, with members and supporters all across the state. And it's your support that makes it all possible.

So please help us start 2016 right, by sending your most generous contribution to Final Options Illinois today. Contribute online on our website at www.finaloptionsillinois.org, or mail the form below. Contributions are tax-deductible as allowed by law. Thank you very, very much.

Ed Gogol, President

PS. The form below shows your most current information as we have it. Please update or correct as needed. In particular, please let us know your most current email address, if you have one. Email is the most economical and timely manner in which we can communicate.

**YES !!!! I support Final Options Illinois.
I want to make aid-in-dying legal everywhere, and especially in Illinois!**

Contact: _____

Address: _____

City, St. Zip: _____

Email: _____

Home Phone: _____ Mobile Phone: _____

Contribution Amount: \$ _____

Check Enclosed Or Please charge my credit card. (Visa or Mastercard)

Card Number: _____ Expiration date: _____

Security Code: _____ (the three-digit number on the back of the card – required for credit card donations)