

# What Does Proposition #106 Say?

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A measure to legalize doctor-assisted suicide is on the November 8 ballot in Colorado. As an informed voter, it's important to know what's behind this attempt to change state law. Based on the dangers posed by this initiative, we urge you to vote "No" on Proposition #106.

## 1. The Initiative Says:

Any Colorado "resident" over 18 years-old is eligible for doctor-assisted suicide.

### What This Means:

People can – and will – come to Colorado from out of state to take advantage of state-sanctioned suicide, as they already have in other states where it is legal. . Proposition #106 would include individuals as young as 18 years of age.

### Why This Is A Problem:

**'SUICIDE TOURISM':** State residency is easily established within a matter of weeks simply by registering to vote or obtaining a driver's license. This invites "suicide tourism," making Colorado a destination location for doctor-assisted suicide. This has occurred in other states and nations where it's legal.

**AGE INAPPROPRIATE:** It's illegal in Colorado for 18 year-olds to drink alcohol or take legalized drugs like marijuana for recreation; however, under this measure, they would be old enough to make the ultimate life or death decision without parental notification or involvement.

**BRAIN DEVELOPMENT:** Science has found the human brain does not finish developing until a person reaches his or her early to mid-20s; particularly in the areas of the brain dealing with caution, restraint and reason. Proposition #106 fails to protect these still-developing older teens.

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## 2. The Initiative Says:

That a "terminal" illness is an incurable and irreversible illness that will, within reasonable medical judgment, result in death. There must be a prognosis of six months or less.

### What This Means:

A physician can conclude that the patient probably has less than six months to live due to a terminal illness or condition.

### Why This Is A Problem:

**WRONG PROGNOSIS:** Let's face it, doctors can be wrong. Every year, people outlive their prognosis by months – and sometimes years. However, the availability of doctor-assisted suicide sends the message that some lives aren't worth living, putting medically vulnerable patients at risk for pressure and coercion to die before their time.

**ARBITRARY DEFINITION:** Proposition #106's definition of "terminal" illness is broad and arbitrary, including many people with diseases or conditions who may not be dying. Type I Diabetes, for example, is considered "terminal," because the patient requires regular insulin (treatment). Without this treatment, a patient's life prognosis is less than six months. Nevertheless, millions of Americans are successfully treated each year and lead normal lives.

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### 3. The Initiative Says:

"The attending physician shall...counsel the individual about the importance of ...notifying his or her next of kin of the request for..." lethal drugs for suicide.

### What This Means:

Under Proposition #106, family members will not be notified that the patient has received a lethal dose of drugs for the purpose of suicide.

### Why This Is A Problem:

**REDUCED CHANCE TO INTERVENE:** The measure does not protect the rights of spouses, children and other family members to know of their loved one's plans to commit suicide. There is nothing to prevent an individual from committing suicide and being found dead by a family member who was unaware of their loved one's desire to die at their own hand.

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### 4. The Initiative Says:

"..of the two witnesses to the written request" for suicide, one can be related to the individual or be entitled to a "portion of the individual's estate upon his or her death."

### What This Means:

Proposition #106 allows a conflict of interest, empowering a family member, friend or nursing home employee to witness the individual's declaration to die by suicide.

### Why This Is A Problem:

**CONFLICT OF INTEREST:** Proposition 106 does nothing to prevent a weary caregiver or greedy heir from encouraging a patient to commit suicide. This allows individual who may benefit from the patient's death to be part of the suicide process. Generally, attorneys discourage interested parties from witnessing wills, medical powers of attorney, and advance medical directives due to the possible conflict of interest.

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## 5. The Initiative Says:

The doctor must discuss “feasible” alternatives or additional treatment opportunities.

### What This Means:

The prescribing doctor must – in theory – inform the patient of alternatives available in lieu of doctor assisted suicide.

### Why This Is A Problem:

**NO ENFORCEMENT:** Proposition #106’s loose language allows doctors to decide what further options they will – or will not – offer to the individual.

**NO OBLIGATION:** If there are promising or experimental treatments for the individual’s condition that the doctor is not aware of – or does not personally have confidence in – Proposition #106 does not oblige the doctor to research other options. Nor does the doctor have to inform the individual about these other possibilities.

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## 6. The Initiative Says:

The individual’s doctor determines if he or she has the mental capacity for the decision.

### What This Means:

The doctor may prescribe assisted suicide – even if they do not see or recognize signs of depression or other mental weakness in the individual.

### Why This Is A Problem:

**INCORRECT DIAGNOSIS:** Doctors who are trained to treat diseases may not be trained to diagnose mental health conditions, such as depression. Proposition #106 fails to safeguard mentally vulnerable patients who may want to die due to depression.

**NO EVALUTATION:** Proposition #106 does not require the patient to be evaluated by a trained and licensed mental health professional to determine if the desire to die is linked to depression.

**LEGAL LOOPHOLES:** The legal standard of “mental capacity” is lower in Proposition #106 than the legal capacity required to execute legal documents, such as a patient’s will.

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## 7. The Initiative Says:

The drug must be “self-administered,” but no witnesses are required.

### What This Means:

According to Proposition #106, patients are encouraged to take the drug in a private place. However, there is no legal requirement for a third party to be present to ensure the drug is taken voluntarily by self-administration, nor to properly dispose of the unused portion of the lethal drug.

### Why This Is A Problem:

**NO SAFEGUARDS:** Proposition #106 leaves elderly or confused patients vulnerable to family members or friends once the drug has been dispensed. Someone else may administer the drug to the patient with or without the patient's knowledge or consent, as there are no safeguards in place to stop them.

**BLACK MARKET:** This also means that unused doses of the lethal drugs are not controlled and could end up on the black market – or worse, in the hands of minors.

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## 8. The Initiative Says:

The state shall annually review a sample of records (of dispensed drugs for assisted suicide) and make public an annual statistical report.

### What This Means:

There is a lack of transparency with limited public reporting and no accountability that doctors follow the law.

### Why This Is A Problem:

**NO ACCOUNTABILITY:** Proposition #106 does little to protect the public. There are no accountability measures so that the public can know whether a handful of doctors are writing most – if not all – of the lethal prescriptions.

**CORONER REVIEW:** Proposition #106 does not require a county coroner to review and ensure procedures in the law were followed. This lack of oversight is ripe for abuse and creates a shroud of secrecy.

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## 9. The Initiative Says:

The cause of death on all official records is to be the underlying disease of the patient and not doctor-assisted suicide.

### What This Means:

There will be no public record that the patient committed suicide. The only record of the suicide will be sealed in medical records or misrepresented on the death certificate.

### **Why This Is A Problem:**

**FALSIFIES CAUSE:** Proposition #106 requires the state to misrepresent the cause of a citizen's death as something other than suicide.

**FALSIFIES RECORDS:** Proposition #106 also falsifies public records (e.g. death certificates) as to the true cause of death.

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### **10. The Initiative Says:**

Actions taken in accordance with the measure do not, for any purpose, constitute suicide or assisted suicide.

### **What This Means:**

Laws, contracts, insurance, wills and other legal matters that may be contingent upon a persons' manner of death are specifically prohibited from considering that the death is – according to definition – a suicide.

### **Why This Is A Problem:**

**UNDERMINES LAW:** The initiative invalidates wills and insurance policies which prohibit death by suicide, undermining the intent of such documents as established under the law

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