



### **End of Life Act**

New options to end life marks the beginning of a new era in California. After a few decades of debate, “The End of Life Option Act” has been signed into law providing terminally ill patients with the option to die sooner with dignity.

On October 05, 2015, Governor Jerry Brown formally signed the “End of Life Option Act” into law. The Bill, codified as Health and Safety Code Sections 443 et seq., has a code of guidelines which must be fulfilled before an adult can request a drug prescribed for the purpose of ending his or her life. The End of Life Option Act is now in effect. In 1997, Oregon became the first state in the nation allowing doctors to prescribe life ending drugs to terminally ill patients; Washington, Vermont, Montana and now, California followed suit.

In California, the following conditions apply before a patient can be prescribed the life ending drugs:

- Mentally competent patients 18 years or older will have 6 months or less to live
- The terminal diagnosis must be re-affirmed by a second doctor
- The two physicians must agree patient is mentally competent
- If a physician expresses concern about the patient’s mental state, the physician must refer the patient to a psychiatrist or psychologist
- Two verbal requests to the doctor for the prescription, at least 15 days apart, must be requested by the patient
- A written request to the doctor must also be documented
- Other alternative end-of-life treatment options, such as palliative care and pain control, must also be discussed by the doctor
- In advance of 48 hours before taking the pills, the patient must affirm that they are taking the prescription on their own accord
- The patient is required to self-administer the prescription

For decades, California has been the battleground for changing laws that made it illegal to help a dying person end their life sooner. They failed at the ballot back in 1992 and a few times in Legislature between 1995 and 2008.

In 2014 when Brittany Maynard, a young local UC Berkeley graduate, was diagnosed with stage four glioblastoma with 6 months to live. She decided to relocate to Oregon for their friendly aid-in-dying laws. This was the tipping point that re-ignited a national debate and set in motion a movement that ultimately saw California enact the “The End of Life Option Act”.

California doctors are not required to participate in prescribing the life ending prescriptions to patients and are also not obligated to inform patients of the option. While hospitals have the option to opt out of the program, Kaiser Permanente, Sutter Health, Stanford University and UCSF Medical Center will provide doctors with the option to participate in the aid-in-dying prescriptions.

“The End of Life Option Act” law is set to sunset in 2026 unless the Legislature renews it.

Please feel free to contact our office with any questions or concerns you may have regarding this new filing requirement and/or your estate plans.

2070 Pioneer Ct. | San Mateo CA 94403 | 650-572-  
7933 | fax 650-572-0837 [www.mcdlawyers.net](http://www.mcdlawyers.net)

Trust & Estates Planning, Administration and Litigation | Employment Law | Civil Litigation | Public Entity  
Defense | Entity Formation | General Liability Defense