



Bill Summary:

Elizabeth Whitefield End of Life Options Act

HB 90/ SB 153

The Legislation Allows:

A terminally ill, mentally capable adult 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 over a dozen safeguards:

- Two licensed health care providers must confirm the terminal illness, if an individual is not already enrolled in hospice services. Individuals are not eligible for medical aid in dying because of age or disability.
- The attending provider must inform the requesting individual about all of their end-of-life care options, including hospice and pain and symptom management.
- If either provider has concerns about the individual's mental capacity or ability to make an informed decision, they must make a referral to a mental health professional for an assessment. Medication can't be prescribed until mental capacity is confirmed.
- Two people must witness the written request, only one of whom can be a relative.
- There is a required 48 hour waiting period before the prescription can be written for a qualified individual.
- Licensed prescribing health care providers 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 terminally ill individual to request or utilized medical aid in dying will face criminal prosecution.
- A terminally ill individual can withdraw their request for medication, not take the medication once they have it or otherwise change their mind at any point.
- Life insurance payments can't be denied to the families of those who use the law.

- No health care provider or pharmacist is required to participate.
- The New Mexico Department of Health is required to issue a publicly available annual report. Identifying information about qualified individuals 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.
- In addition, disposal of unused medication is subject to federal guidelines specified by the U.S. Food and Drug Administration.

Additional Information About the Bill:

Primary Sponsors:

- Rep. Deborah Armstrong
- Sen. Elizabeth “Liz” Stefanics

Legislation:

<https://www.nmlegis.gov/Sessions/19%20Regular/bills/house/HB0090.PDF>

<https://www.nmlegis.gov/Sessions/19%20Regular/bills/senate/SB0153.PDF>

New Mexico End of Life Care Advocacy Websites:

<https://compassionandchoices.org/in-your-state/new-mexico/>

<https://endoflifeoptionsnm.org>

For More Information:

Elizabeth Armijo

New Mexico Campaign Manager at Compassion & Choices

earmijo@compassionandchoices.org

Minda McGonagle

Lobbyist

(505) 228-3755 mobile

minda@mcgonagle.com