Physician-assisted dying legislation around the world

1. Map of international jurisdictions

- **Doctors permitted to prescribe lethal drugs for self-administration**
  - Oregon, USA: Death with Dignity Act 1994 permits doctors to prescribe drugs for self-administration.
  - California, USA: End of Life Option Act 2015 permits doctors to prescribe drugs for self-administration.
  - Colorado, USA: End of Life Options Act 2016 permits doctors to prescribe drugs for self-administration.
  - Washington DC, USA: Death with Dignity Act 2017 permits doctors to prescribe drugs for self-administration.
  - New Mexico, USA: End of Life Options Act 2021 permits doctors to prescribe drugs for self-administration.
  - Hawaii, USA: Our Care, Our Choice Act 2019 permits doctors to prescribe drugs for self-administration.
  - New Jersey, USA: Aid in Dying for the Terminally Ill Act 2019 permits doctors to prescribe drugs for self-administration.
  - Washington, USA: Death with Dignity Act 2008 permits doctors to prescribe drugs for self-administration.
  - Vermont, USA: Patient Choice and Control at the End of Life Act 2013 permits doctors to prescribe drugs for self-administration.
  - Maine, USA: Death with Dignity Act 2019 permits doctors to prescribe drugs for self-administration.
  - Montana, USA: Doctors may have a defence to assisting in a person’s suicide under a 2009 Court ruling.
  - Western Australia, Australia: Voluntary Assisted Dying Act 2019 permits doctors to prescribe drugs for self-administration and to administer.
  - Victoria, Australia: Voluntary Assisted Dying Act 2019 permits doctors to prescribe drugs for self-administration and to administer.
  - Tasmania, Australia: End-of-life Choices (Voluntary Assisted Dying) Act 2021 permits doctors to prescribe drugs for self-administration and to administer.

- **Doctors permitted to prescribe lethal drugs for self-administration AND to administer**
  - Canada: Canadian Supreme Court ruled that Canada’s ban on assisted dying violated citizens’ rights in 2015, the Federal Government passed legislation on ‘Medical Aid in Dying’ in 2016, amended in 2021. Doctors are permitted to prescribe drugs for self-administration and to administer.
  - Belgium: Belgian Act on Euthanasia 2002 permits doctors to prescribe drugs for self-administration and to administer.
  - Austria: In December 2020, Austria’s Constitutional Court ruled that the blanket ban on physician-assisted dying was unconstitutional as it violated the right to self-determination. It is expected that legislation will be introduced in advance of the existing law being repealed on 31 December 2021.
  - Germany: In February 2020, Germany’s federal Constitutional Court ruled that a 2015 law, which made commercial promotion of assisted dying a criminal offence, was unconstitutional. It ruled that it should be permissible for doctors to prescribe drugs for self-administration. It is expected that legislation will follow.
  - Luxembourg: Right to Die with Dignity Act 2009 permits doctors to prescribe drugs for self-administration and to administer.
  - Switzerland: Swiss Criminal Code 1942 permits individuals to assist in another’s suicide as long as the motive for doing so is not ‘selfish’.
  - Italy: In 2019, the Italian Constitutional Court ruled that it is not always a crime to assist terminally ill patients experiencing ‘intolerable suffering’ to die. Work is ongoing in Italy to explore what this ruling means for the law more generally.
  - New Zealand: End of Life Choice Act 2019 was supported by a referendum in October 2020. The law permits doctors to prescribe drugs for self-administration or to administer the drugs if requested by an individual. It is due to come into effect in November 2021.

- **Court rulings create a defence for doctors**
  - Columbia: In 1997, the Colombian Constitutional Court ruled that a doctor could not be prosecuted for assisting a terminally ill, consenting adult to die.
  - Austria: In 2019, the Austrian Constitutional Court ruled that the blanket ban on physician-assisted dying was unconstitutional as it violated the right to self-determination. It is expected that legislation will be introduced in advance of the existing law being repealed on 31 December 2021.
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For more information on physician-assisted dying go to [bma.org.uk/pad](http://bma.org.uk/pad)
## 2. What does the law look like in some of those places?

This comparative table outlines information about how the law operates in jurisdictions which permit some form of physician-assisted dying. For ease of reference we have selected information about the law in four jurisdictions where physician-assisted dying has been permitted for the longest time (Switzerland, Oregon USA, The Netherlands and Belgium), the law in Canada, where the practice of assisted suicide is legal, and the law in New Zealand, where the practice is legal but subject to strict regulations.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Since</th>
<th>Medical involvement</th>
<th>Regulation and reporting</th>
<th>Conscientious objection</th>
<th>Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Switzerland</td>
<td>1942</td>
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<tr>
<td>Oregon USA</td>
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<td>The Netherlands</td>
<td>2002</td>
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<td>Belgium</td>
<td>2005</td>
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<td>Canada</td>
<td>2015</td>
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<tr>
<th>Jurisdiction</th>
<th>Supply of lethal drugs for self-administration</th>
<th>Administration of lethal drugs by a third party</th>
<th>Adult only</th>
<th>Terminal illness</th>
<th>Non terminal illness</th>
<th>Psychiatric illness</th>
<th>Consent required for those aged 12-16</th>
<th>Advance decisions recognised</th>
<th>Advance decisions not recognised</th>
<th>Regulation and reporting</th>
<th>Conscientious objection</th>
<th>Data</th>
</tr>
</thead>
<tbody>
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<td>Switzerland</td>
<td>Permitted as long as motive for doing so is not ‘wilful’</td>
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<td>Oregon USA</td>
<td>Permitted by the ‘termination of life on Request and Assisted Suicide Act 2001’.</td>
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<td>The Netherlands</td>
<td>Permitted by the ‘termination of life on Request and Assisted Suicide Act 2001’.</td>
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<td>Must be at least 12 years old, parental consent required for those aged 12-16.</td>
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<td>Canada</td>
<td>Permitted by an Act amending the Canadian Criminal Code. Referred to as ‘medical assistance in dying’ or MAID.</td>
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### Consent required for those aged 12-16
- Request must be contemporaneous.
- Individually understood by the individual themselves.
- Final act must be carried out by the individual themselves.
- Request must have persisted over time.
- Request and Assisted Suicide Act 2001.
- Where death is not expected within the short-term, there is an additional application process. A third doctor must be consulted, and there must be a one-month waiting period between the request and the act itself.
- Permitted by the Termination of Life on Swiss law does not require doctors to be involved.
- One doctor must prescribe the lethal drugs.
- Two doctors or nurse practitioners (independent of one another) must confirm that the individual meets the eligibility criteria.
- One doctor must attend the final act.
- The law requires a well considered request.
- Protection in statute means that doctors must hand over care to another doctor.
- Data are published annually. More information about the act is available here.

### Advance decisions recognised
- Permitted by the ‘termination of life on Request and Assisted Suicide Act 2001’. Council rules that patients with advanced dementia must be entitled to access to assisted dying.
- The law permits a person to make an advance decision prior to the onset of a terminal illness.
- Two doctors or nurse practitioners (independent of one another) must confirm that the individual meets the eligibility criteria.
- One doctor must attend the final act.
- The law permits a person to make an advance decision prior to the onset of a terminal illness.
- Data are published annually. More information about the act is available here.

### Medical involvement
- Two doctors or nurse practitioners (independent of one another) must confirm that the individual meets the eligibility criteria.
- One doctor must attend the final act.
- The law permits a person to make an advance decision prior to the onset of a terminal illness.
- Data are published annually. More information about the act is available here.

### Regulation and reporting
- Professional guidance is clear that doctors have a primary responsibility for the patient’s care, the doctor of which is satisfied with the patient’s condition must confirm that the individual meets the eligibility criteria.
- Two doctors or nurse practitioners (independent of one another) must confirm that the individual meets the eligibility criteria.
- Data are published annually. More information about the act is available here.

### Conscientious objection
- Two doctors or nurse practitioners (independent of one another) must confirm that the individual meets the eligibility criteria.
- One doctor must attend the final act.
- The law permits a person to make an advance decision prior to the onset of a terminal illness.
- Data are published annually. More information about the act is available here.

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