Physician-assisted dying legislation around the world

1. Map of international jurisdictions

Doctors permitted to prescribe lethal drugs for self-administration **Doctors permitted to prescribe** lethal drugs for self-administration **AND** to administer Court rulings create a defence for doctors

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.

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 selfadministration.

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.

Washington, USA

Death with Dignity Act 2008 permits doctors to prescribe drugs for self-administration.

Washington DC, USA

Montana, USA

2009 Court ruling.

Doctors may have a

defence to assisting in a

person's suicide under a

Death with Dignity Act 2017 permits doctors to prescribe drugs for selfadministration.

Colombia

adult to die.

In 1997, the Colombian

Constitutional Court ruled

that a doctor could not be

prosecuted for assisting a

terminally ill, consenting

New Jersey, USA

Aid in Dying for the Terminally III Act 2019 permits doctors to prescribe drugs for self-administration.

For more information on physician-assisted dying go to bma.org.uk/pad

Spain -

Vermont, USA

at the End of Life Act

2013 permits doctors to

prescribe drugs for self-

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

doctors to prescribe drugs for

that legislation will follow.

that it should be permissible for

self-administration. It is expected

administration.

Germany

Patient Choice and Control

Organic Law 3/2021, of March 24, Regulating Euthanasia came into effect on 25 June 2021. It permits doctors to prescribe drugs for self-administration and to administer.

Maine, USA

Death with Dignity Act 2019 permits doctors to prescribe drugs for selfadministration.

Belgium

prescribe drugs for selfadministration and to administer.

Belgian Act on Euthanasia 2002 permits doctors to

Luxembourg

31 December 2021.

The Netherlands

Austria

Termination of Life on Request and

Assisted Suicide Act 2001 permits

doctors to prescribe drugs for self-

administration and to administer.

Court ruled that the blanket ban

on physician-assisted dying was

In December 2020, Austria's Constitutional

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

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.

Western Australia, Australia

Voluntary Assisted Dying Act 2019 permits doctors to prescribe drugs for self-administration and, in cases where an individual is physically unable to self-administer, to administer the drugs. The Act will come into force in 2021.

Tasmania, Australia

Victoria, Australia

Voluntary Assisted

permits doctors to

prescribe drugs for self-administration

and, in cases where

physically unable to

administer the drugs.

self-administer, to

an individual is

Dying Act 2017

End-of-life Choices (Voluntary Assisted Dying) Act 2021 permits doctors to prescribe drugs for self-administration and to administer. The Act was approved in April 2021 and is expected to come into force in around 18 months.



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 law has changed more recently, and the law in New Zealand that comes into force on 7 November 2021.

		Switzerland Since 1942		Oregon Since 1997		The Netherlands Since 2001		Belgium Since 2002		Canada Since 2015		New Zealand From 7 November 2021
Supply of lethal drugs for self-administration	~	Permitted as long as the motive for doing so is not 'selfish'. There is not a centrally regulated process. Almost all assisted suicide takes place within frameworks set up by individual non-profit groups.		Permitted by Death with Dignity Act 1994.	~	Permitted by the Termination of Life on Request and Assisted Suicide Act 2001.	~	Not explicitly regulated for — but it is not prohibited. The Federal Control and Evaluation Commission has accepted that cases of assisted suicide fall under the law.	~	Permitted by an Act amending the Canadian Criminal Code. Referred to as 'medical assistance in dying' or MAID. This Act followed a ruling from the Supreme Court of Canada that the country's ban on assisted dying was unconstitutional. Further amendments were made to the code in March 2021.	~	Permitted under the End of Life Choice Act 2019.
Administration of lethal drugs by a third party	×	Final act must be carried out by the individual themselves.	×	Final act must be carried out by the individual themselves.	~	Permitted by the Termination of Life on Request and Assisted Suicide Act 2001.	~	Permitted by Belgian Act on Euthanasia 2002.	~	Permitted by an Act amending the Canadian Criminal Code. Referred to as "medical assistance in dying" or MAID.	~	Under the act a person's doctor or nurse practitioner can also administer medication to bring on death.
Adults only	~		~		×	Must be at least 12 years old; parental consent required for those aged 12-16.	×	Since 2014 there are no age restrictions; parental consent required for all those under the age of 18.	~		~	
Terminal illness	~	In principle, assisted suicide is lawful irrespective of the condition of the person who requests it. Individual organisations have their own internal policies which set out eligibility criteria.	~	Individuals must have an incurable and irreversible disease that is likely to cause death within six	~	The law covers physical and psychiatric conditions. Individuals must be experiencing	~	The law covers physical and psychiatric conditions. Individuals must be suffering	~	Individuals must have a "grievous and irremediable medical condition", defined as meeting <u>all</u> of the	~	Eligibility is restricted to individuals with a terminal illness that is likely to end their life
Non terminal illness	~		×	months.	~	constant and unbearable physical or psychological suffering with no prospect of improvement.	~	from constant and unbearable physical or psychological suffering which cannot be cured.	~	following criteria: — having a serious illness, disease or disability — be in an advanced state of decline that cannot be	X	within 6 months; are in an advanced state of irreversible decline in physical capability; and experience unbearable suffering that cannot
Psychiatric illness	×	In practice, however, there are some limits. Individual organisations have their own internal policies which set out eligibility criteria. Additionally, doctors are only allowed to prescribe lethal drugs within the limits of accepted professional practice — which, as defined by the Swiss Academy of Medical Sciences is when an individual is "approaching the end of life".			~		~	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.	×	reversed - experience unbearable physical or mental suffering from your illness, disease, disability or state of decline that cannot be relieved under conditions that you consider acceptable. Since March 2021, individuals do not need to have a fatal or terminal condition. Individuals with a mental illness as their only medical condition, are not eligible to seek medical assistance in dying until March 17, 2023.	×	be tolerably relieved.
Citizens/residents only	×	Foreign citizens can receive assisted suicide through membership of organisations such as Dignitas.	~		~		~		~		~	
Voluntary request from a patient with capacity	~	Individual organisations have their own internal processes for making a request. Professional guidance for doctors is clear that the person must have made a voluntary, persistent, and well considered request.	~	Request must be made orally, then in writing, signed by two independent witnesses.	~	Request must have persisted over time. There is no requirement for a request to be made in writing.	~	Request must have persisted over time and be made in writing.	~	Request must be made in writing and witnessed by one independent person.	~	A person who thinks they are eligible can ask a health practitioner about assisted dying; or ask the SCENZ group for the contact details of a medical practitioner if they wish to be formally assessed.
Advance decisions recognised	×	Request must be contemporaneous.	×	Request must be contemporaneous	~	In April 2020, the Dutch Supreme Court ruled that patients with advanced dementia who have made a written advance request for euthanasia can receive it.	~		×	Request must be contemporaneous	×	Request must be contemporaneous.
Medical involvement	~	Swiss law does not require doctors to be involved — but as they are the only persons who can prescribe lethal substances, in practice they are involved in every case.	~	 Two doctors (one of whom is the doctor with primary responsibility for the patient's care; the other of whom must be a specialist in the patient's condition) must confirm that the individual meets the eligibility criteria. One doctor must prescribe the lethal drugs. The law does not require the presence of a doctor at the time a patient self-administers the drugs. 	~	 Two doctors (independent of one another) must confirm that the individual meets the eligibility criteria. One doctor must 'carry out the death in a medically appropriate fashion' and be present at the time of death. 	~	Two doctors (independent of one another) must confirm that the individual meets the eligibility criteria. Where death is not expected in the shortterm, an additional doctor must also be consulted.	~	Two doctors or nurse practitioners (independent of one another) must confirm the individual meets the eligibility criteria. There are additional procedural safeguards for assessing the eligibility of a person who's death is not reasonably foreseeable.	~	Medical practitioner and independent medical practitioner confirm eligibility. A psychiatric opinion must be sought if there are doubts over a person's competence. A package of e-learning modules for health practitioners choosing to provide assisted dying services will be made available.
Conscientious objection	~	Doctors are not compelled to participate in the process.	~	Protected in statute; objecting doctors must transfer patient's medical records, upon request, to a new health care provider.	~	Professional guidance is clear that doctors do not have an obligation to be involved.	~	Protected in statute; conscientiously objecting doctors must handover care to another doctor.	~	Statute is clear that no one is 'compelled' to provide or assist in MAID; the responsibilities on doctors who hold a conscientious objection varies between provinces/territories.	~	Medical practitioners with a conscientious objection must inform the patient and tell them of their right to ask the SCENZ group for a replacement doctor.
Regulation and reporting	×	No central regulatory body; police must be notified of all "unnatural deaths" and can examine those deaths.	~	Doctors must inform the Oregon Health Authority of any prescription they write. The Authority notifies the Oregon Medical Board of any suspicions of non-compliance with the law.	~	Doctors must report the death to the municipal coroner. The coroner will inform one of five regional review committees, which will assess compliance with the law. Cases of non-compliance are referred to the public prosecutor.	~	Doctors must report the death to the Federal Control and Evaluation Commission, which will assess compliance with the law. Cases of non-compliance are referred to the public prosecutor.	~	Doctors and nurses must report all written requests of MAID either to their provincial or territorial health departments, or the federal health department, depending on their location.	~	 The Support and Consultation for End of Life in New Zealand (SCENZ) Group will maintain a list of participating healthcare professionals and provide advice. An End of Life Review Committee will consider reports of death under the act and report to the Registrar Registrar checks compliance with process and eligibility and notifies the doctor if they are satisfied before the administration of assisted dying medication; maintains relevant registers and reports annually.
Data	×	Recorded causes of death do not differentiate between suicide and assisted suicide.	~	Data are published annually. Latest and archived reports are available <u>here</u> .	~	Regional review committees publish a joint report annually. The 2019 annual report can be accessed <u>here</u> .	~	Data are published every two years. The last report translated to English was published in 2016 and is available here.	~	The federal government publishes data annually. The annual report for 2020 is available <u>here</u> .	~	Annual reporting is required under the Act.