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February 14, 2024

To: Luke Clippinger, Chair
House Judiciary Committee

Joseline A. Pena-Melnyk, Chair
House Health and Government Operations Committee

From: The Office of the Attorney General

Re: HB403 End-of-Life Option Act: **Letter of Support**

The Office of the Attorney General continues to strongly support End-of-Life options legislation. HB403 has been carefully drafted to allow terminally ill patients considering all their end-of-life options the autonomous right to choose the timing and circumstances of their death while providing safeguards to protect vulnerable Marylanders.

Maryland courts have acknowledged the common law right of a competent adult to refuse medical care under the doctrine of informed consent but have stopped short of allowing a patient to end their life at the time and in the manner that preserves their dignity and prevents undue suffering.¹ This bill – through amendments to the Health General, Insurance, and Criminal Articles - would allow an individual to make an end-of-life decision and self-administer medication to bring about their own death at the time of

¹ *Stouffer v. Reid*, 413 Md. 491 (2010).

their choosing. The bill specifically prohibits any person to end the life of another by lethal injection, mercy killing, or euthanasia.

Decisions around the end of life are deeply personal for patients and their families. While the vast majority choose palliative or hospice care, only the person confronting their own mortality can decide if their condition is truly unbearable. This bill provides a thoughtful and deliberate multiple-step approach that ensures these decisions are made in an appropriate context, with due gravity, and with the patient in control of this intensely private decision.

The debate around this issue can be passionate. This bill or a similar version has been before the General Assembly many times before. But experience from other states and around the world demonstrates this option can be implemented in a safe and effective manner, without abuse or coercion.² This bill in no way permits anyone to end the life of another for any reason; rather, it recognizes that Marylanders suffering from end-of-life conditions want and deserve the bodily autonomy to choose and direct their own care.

We encourage this Committee to advance the End-of-Life Options Act. For people with end-of-life conditions that are reduced to permanent pain without hope of relief or improvement, the lack of such a law is cruel and unjust.

² End-of-Life Options or “Death with Dignity” legislation has passed in 11 U.S. jurisdictions: California, Colorado, District of Columbia, Hawaii, Montana, Maine, New Jersey, New Mexico, Oregon, Vermont, and Washington. It is also a right made available in 10 foreign countries: Switzerland, the Netherlands, Belgium, Luxembourg, Colombia, Canada, Austria, New Zealand, Spain and Australia.