



**Testimony for the Senate Judicial Proceedings Committee
February 28, 2020**

**SB 701 – End-of-Life Option Act
(Richard E. Israel and Roger “Pip” Moyer Act)**

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FAVORABLE

If decisions made in the shadow of one’s imminent death regarding how they and their loved ones will face that death are not fundamental and at the core of those constitutional guarantees, then what decisions are?¹

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The ACLU of Maryland supports SB 701, the End-of-Life Option Act, which would allow individuals with terminal illnesses to request aid in dying. The ACLU fights for personal freedom, autonomy, and self-determination, especially regarding the most difficult and intimate decisions of our lives.

This bill affirms the right of terminally ill patients to self-administer a physician-issued prescription in order to end their lives in a dignified way without further suffering. It ensures that it is the *individual*, and not the *government* who has the right to make decisions about their own life and body. It also enshrines into law strong safeguards to ensure that a patient’s decision to end their life is voluntary, informed, and free of any coercion.

U.S. Supreme Court Justice Louis Brandeis wrote in 1928 that a person’s right to privacy, or “right to be let alone,” is “the most comprehensive of rights and the right most valued by [civilization].”² Justice William Douglas echoed that sentiment in 1952, writing “the right to be let alone is indeed the beginning of all freedom.”³

This principal right is at its peak in the context of intimate medical decisions. In these circumstances, these decisions should be left to a patient, their loved ones, and their doctor. If a patient is suffering from a terminal illness and meets the stringent eligibility requirements within this bill, it should not be the role of government to prevent them from making the choice to alleviate their suffering. We must give our loved ones the dignity and respect to be able

¹ *Morris v. New Mexico*, D-202-CV-2012-02909 (Jan. 2014).

² *Olmstead v. United States*, 277 U.S. 438, 478 (1928).

³ *Public Utilities Comm’n v. Pollack*, 343 U.S. 451, 467 (1952).



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to make this extraordinarily difficult choice in a thoughtful, compassionate way.

In addition to the right to be let alone, the rights underscored in this bill include those of autonomy and self-determination. The choice that this bill contemplates for patients is one of the most fundamentally personal choices one could ever make in life. To be sure, it is not a decision to take lightly. Because we believe so strongly in self-determination, we share the concern about the voluntariness of this choice. And as drafted, SB 701 includes strict protections to ensure that a patient's request for life-ending medication is informed and free of coercion. Ultimately, we believe it is those who are suffering at the end of life – mothers, fathers, wives, husbands, sisters, brothers, grandparents, beloved friends, and maybe ourselves – who have the deeply personal right to make this profound choice.

In the most challenging moments for a person whose life has charted a new course dictated by disease, the most fundamental right left is to control one's destiny. This bill restores to terminally ill people that autonomy, and ensures them the right to self-determination, to be treated compassionately, to make their own decisions, and ultimately, the right to live and die with dignity.

For the foregoing reasons, we urge a favorable report on SB 701.