

**Testimony of Robert Landau -- Favorable
Regarding SB0443/HB0403-- The End-of-Life Option Act
(The Honorable Elijah E. Cummings and the Honorable Shane E. Pendergrass Act)
February 2024**

My name is Robert Landau, a Maryland resident and attorney, and I strongly support this bill. I only have one point to make to the Committee: I am concerned that if the bill is **not** passed this year, then Maryland State's Attorneys may be compelled to prosecute family members of individuals who legally acquire life-ending medications in other states and bring them back to Maryland to be with their loved ones to self-administer those medications. Those prosecutions would be a serious miscarriage of justice.

Let me explain how this travesty might happen. Vermont and Oregon already recognize the right of persons from other states to go there to qualify for their aid-in-dying programs. If Marylanders goes there and qualify for either of those states' medical aid-in-dying programs, they could obtain life-ending medications in those states and bring those medications back to Maryland to use in the comfort of their homes in the presence of their loved ones – despite those states recommending (but not requiring) medications be self-administered in those states. Even closer to home, a New Jersey court may be on the verge of recognizing every person's constitutional rights under the Equal Protection and Privileges and Immunities Clauses to New Jersey's program.

In these situations, if a family member or loved one in Maryland helps the individual at all in the process, it is entirely possible or even likely that the Maryland State's Attorneys will be expected to prosecute that family member under the Maryland Criminal Code. Section 3-104 provides that any individual who knowingly assists another person's suicide or suicide attempt is guilty of a felony and subject to a fine of up to \$10,000, imprisonment for up to one year, or both.

Prosecuting even one person in connection with a dying loved one exercising their rights under another state's laws would be a serious miscarriage of justice, which can only be prevented by your passing this bill now this Session.