

California Judge Tosses Out Assisted Suicide Statute

A California judge on Tuesday overturned the state's physician-assisted suicide statute, ruling that lawmakers did not have the authority to pass it during a special session convened to take up healthcare legislation.

While the ruling by a Riverside County Superior Court judge was tentative, giving California's attorney general five days to appeal, it was hailed by opponents as a victory for terminally ill patients.

"The court made it very clear that assisted suicide has nothing to do with increasing access to health care and that hijacking the special session to advance an unrelated agenda is impermissible," the Life Legal Defense Foundation, which filed the legal challenge, said in a statement.

The organization previously represented a Florida woman, Terry Schiavo, during a high-profile legal battle over her husband's wish to remove her feeding tube after a 1990 heart attack left her in a coma.

California Attorney General Xavier Becerra said in a statement that his office "strongly disagreed" with the judge's finding and would seek an expedited appeal.

A spokesman for Compassion & Choices, which describes itself as the nation's largest nonprofit organization dedicated to improving and expanding end-of-life options, said the decision was a blow to California's terminally ill.

"The people we represent are shocked and are absolutely heartbroken this option has been taken away from them," spokesman Sean Crowley said.

Compassion & Choices championed the so-called End Of Life Option Act, which was passed during a special legislative session in 2015 and allows people with less than six months to live to seek end-of-life drugs

Kappos said his organization argued that since California Governor Jerry Brown, who convened the session, signed the bill into law it was clear that he considered it appropriate.

A total of seven states – California, Colorado, Hawaii, Montana, Oregon, Vermont and Washington – as well as the District of Columbia have laws on the books legalizing medical aid in dying for terminally ill patients, terminology preferred by advocates to the phrase “physician-assisted suicide.”

Supporters seek to widen legalization of the practice so that patients with incurable diseases can die with less pain and suffering. Opponents argue that unscrupulous caregivers could pressure vulnerable patients to take their own lives.

Oregon was the first to legalize physician-assisted suicide with a statute that took effect in 1998. Since then, some 200 end-of-life prescriptions have been written per year, according to Compassion and Choices, although not all have been used. {eoa}

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