

California moves to defend law allowing life-ending drugs

May 22 2018

California's attorney general is asking an appeals court to quickly block a judge's decision to toss a 2016 state law allowing the terminally ill to end their lives.

Attorney General Xavier Becerra on Monday requested an immediate stay and the reversal of a judge's ruling last week that the law was unconstitutionally approved by the state legislature.

Becerra argued that the measure was legitimately passed during a special legislative session dedicated to health issues and urged the appeals court to keep the law in place while legal proceedings continue so ailing patients aren't affected.

"Qualified terminally ill patients who seek the options afforded by the Act may die an excruciating, painful death before this Court will be able to grant them effective relief under the normal appellate process," he wrote.

The filing comes after Riverside County Superior Court Judge Daniel Ottolia ruled that state lawmakers acted illegally in passing the measure during a special session devoted to other topics. Ottolia didn't address the legal issue of whether it was proper to allow people to end their own lives, and gave the state attorney general five days to appeal his decision on the special session.

The law lets adults obtain a prescription for life-ending drugs if a doctor

has determined that they have six months or less to live. The Life Legal Defense Foundation, American Academy of Medical Ethics and several physicians challenged the law in court.

Compassion & Choices, a national organization that advocated the law, welcomed Becerra's decision. Matt Valliere, executive director of the Patient Rights Action Fund, which opposes such measures, said he hopes the state's effort fails.

Kevin Diaz, national director of legal advocacy for Compassion & Choices, said he expects a decision from the appeals court will come more quickly than in a traditional appeal, most likely in days or weeks.

California health officials reported that 111 terminally ill people took drugs to end their lives in the first six months after the law went into effect June 9, 2016, and made the option legal in the nation's most populous state. Oregon was the first to provide the option in 1997. It also is allowed in Washington, Vermont, Colorado, Hawaii and Washington D.C.

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