

Judge tosses California law allowing life-ending drugs

16 May 2018, by Don Thompson



In this Sunday, July 24, 2016, file photo provided by Niels Alpert, Betsy Davis smiles during her "Right To Die Party" in Ojai, Calif. Davis threw herself the party as she became one of the first to use a California law to take her own life in 2016. Advocates say the terminally ill may die tougher deaths after a judge on Tuesday, May 15, 2018, threw out the law that allows adults to obtain a prescription for life-ending drugs. (Niels Alpert via AP, File)

Betsy Davis threw herself a party before becoming one of the first people to use a California law allowing her to take her own life in 2016.

Her sister and other advocates fear others won't have the same choice after a Riverside County judge threw out the law Tuesday because he said it was unconstitutionally approved by the Legislature.

Superior Court Judge Daniel Ottolia ruled lawmakers illegally passed the law during a special session devoted to other topics, but he gave the state attorney general five days to appeal.

The law allows adults to obtain a prescription for life-ending drugs if a doctor has determined they

have six months or less to live, but plaintiffs say it lacks safeguards to protect against abuse.

Davis would have been devastated by Ottolia's decision, said her sister, Kelly Davis.

"It gave her back control of her life, it let her die on her own terms," she said.

Betsy Davis was 41 when she took a fatal dose of morphine, pentobarbital and chloral hydrate prescribed by her doctor. She'd been diagnosed three years earlier with ALS, commonly known as Lou Gehrig's disease, that slowly robbed her of her ability to use her muscles.

She celebrated the end of her life with more than two-dozen friends during a two-day party in Ojai, giving away her possessions and ordering her favorite foods.

"I keep thinking of all the people who are facing a terminal illness and they're considering the use of this law, and they're in limbo right now and this right might be taken away from them," her sister said.

Alexandra Snyder, an attorney and executive director of Life Legal Defense Foundation, one of the plaintiffs, said Ottolia properly ruled that lawmakers effectively "hijacked" a special legislative session that was called to address access to medical care.

"Access to health care has no relationship to assisted suicide," she said, saying passing the law set a dangerous precedent that undermines the legislative process.

Opponents have argued that hastening death is morally wrong, puts [terminally ill patients](#) at risk for coerced death by loved ones and could become a way out for people who are uninsured or fearful of high medical bills.

Democratic Sen. Bill Monning of Carmel, who carried the original legislation, argued that the bill was properly considered, but said lawmakers could try to pass it again if the law ultimately is rejected by the courts.

So far, he said, there has been "not a single report of malfeasance or problems."

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.

Compassion & Choices, a national organization that advocated for the law, estimated that in its first year 504 Californians requested prescriptions for medical aid in dying.

"Our supporters, they've frankly expressed shock at this outcome. They're disappointed that this end of life option could be taken away," said John Kappos, an attorney representing the organization.

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APA citation: Judge tosses California law allowing life-ending drugs (2018, May 16) retrieved 15 December 2018 from <https://medicalxpress.com/news/2018-05-tosses-california-law-life-ending-drugs.html>

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