

Medical Aid in Dying Act becomes Law in New Jersey on August 1, 2019: Know your Rights - *Client Newsletter*

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On April 12, 2019, Governor Phil Murphy signed the Medical Aid in Dying for the Terminally Ill Act into law (“Medical Aid in Dying”), making New Jersey the eighth state to allow qualified terminally ill patients to request that their physicians allow them to end their lives at their discretion, with dignity. Medical Aid in Dying becomes effective in New Jersey on August 1, 2019.

Under this new law, if you are a New Jersey resident at least eighteen years old and your physicians have determined that you are unlikely to live longer than six months, and you have the requisite capacity to make health care decisions (and you can communicate those decisions), and are making the decision of your own free will, then you can request a prescription for life-ending medication. Medical Aid in Dying does not permit mercy killings, euthanasia, or assisted suicide. In fact, the law specifically states that choosing to hasten death under Medical Aid in Dying is not suicide. The qualifying terminally ill patient must be able to ingest the medication orally without assistance. There are additional procedures and safeguards built into the law that must be followed before the self-administered medication will be dispensed to the qualifying terminally ill patient.

Medical Aid in Dying is commonly referred to as “death with dignity,” which is different than an individual’s “right to die.” The latter is more accurately used in the context of directing your medical care, such as refusing or requesting the withdrawal of life-sustaining treatment. It is important to note that while you can (and should) provide written direction as it relates to how your medical decisions should be made on your behalf, through a legally drafted and executed health care directive (commonly referred to as a living will), and that you can (and should) legally appoint an agent to act on your behalf to help you with

medical decisions (if you cannot speak for yourself), you cannot direct an agent to request the medication for you under Medical Aid in Dying pursuant to the law.

As with all estate planning documents, it is critical to periodically review your health care proxies and directives to ensure that your wishes are accurately reflected and that these documents comply with the law. It is also highly recommended that you ensure that the people you have named to help with your medical care are aware of and understand your wishes.

If you would like additional information on the impact of the Medical Aid in Dying as discussed above, please contact Naomi Becker Collier at ncollier@pashmanstein.com.