

## **Bill Summary:** **Delaware, Ron Silverio/Heather Block End of Life Options Act,** **Bill HB 140**

### **The Legislation Allows:**

a terminally ill, mentally capable adult with a prognosis of six months or less to live the option to request, obtain and take medication — should they choose — to die peacefully in their sleep if their suffering becomes unbearable.

The bill is modeled after the Oregon Death with Dignity Act, which has been in practice for more than 20 years without a single instance of abuse or coercion.

### **Eligibility Criteria**

Just like the Oregon Death with Dignity Act, to be eligible, a person must be:

- An adult, aged 18 or older
- Terminally ill with a prognosis of 6 months or less to live
- Mentally capable and making an informed healthcare decision

Individuals are not eligible for medical aid in dying because of age or disability.

### **Key Provisions**

- The individual must be able to self-administer the medication. Self-administration does not include administration by intravenous (IV) injection or infusion by any person, including the doctor, family member or patient themselves.
- Two healthcare providers must confirm that the person is terminally ill with a prognosis of six months or less to live, mentally capable and not being coerced.
- A terminally ill person can withdraw their request for medication, not take the medication once they have it or otherwise change their mind at any point.
- The attending healthcare provider must inform the requesting individual about all of their end-of-life care options, including comfort care, hospice and pain control.
- There is a mandatory mental health evaluation if either healthcare provider has concerns about the patient's capacity to make an informed health care decision; the prescription can't be written until the mental health provider confirms capacity.
- Healthcare providers who participate and comply with all aspects of the law are given civil and criminal immunity.

- Life insurance payments can't be denied to the families of those who use the law.
- No healthcare provider is required to participate.
- Unused medication must be disposed of according to the guidelines specified by the U.S. Drug Enforcement Agency and state law.

## **Additional Regulatory Requirements**

- The individual must make two separate requests for the medication, with a 15-day waiting period between the first and second request.
- A written request is also required. Two people must witness the written request, one of whom can't be a relative or someone who stands to benefit from the person's estate.
- Prescribing healthcare providers must comply with medical-record documentation requirements and make records available to the state department of health.
- The state department of health is required to issue a publicly available annual report. Identifying information about individual patients and doctors is kept confidential.

## **Additional Information About the Bill:**

### Primary Sponsor:

- Rep. Baumbach

### Additional Sponsors or Co-Sponsors:

- |                 |                   |                     |
|-----------------|-------------------|---------------------|
| • Sen. Townsend | • Sen. S. McBride | • Rep. Osienski     |
| • Rep. Bentz    | • Sen. Sokola     | • Rep. Schwartzkopf |
| • Rep. Morrison | • Rep. Brady      | • Rep. K. Williams  |
| • Sen. Lockman  | • Rep. Kowalko    |                     |

### Legislation

[HB 140](#)

### Compassion & Choices Website:

<https://www.compassionandchoices.org/delaware/>

## **For More Information:**

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