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**MEMORANDUM**

**Date:** December 28, 2010

**From:** Senator Daylin Leach

**To:** All Senate Members

**RE:** Death With Dignity – SB 404 of 2009-2010

In the near future I will be re-introducing the Pennsylvania “Death with Dignity Act”. This bill would allow people with a terminal disease to, under certain conditions, request a prescription for medicine that would end their life in a humane and dignified manner. This law is largely based on an Oregon law which has been in effect for several years and was upheld by the United States Supreme Court.

The inspiration for this bill was my brother-in-law Taylor. In February of 2008 Taylor, who was 42 years old, was diagnosed with Non-Hodgkin’s Lymphoma. He was prescribed a course of chemo-therapy, and once that did not work, many other experimental treatments and long-shot regimens with less than 1% chance of working. He tried them all. They all failed.

By early June the doctors had little left to offer. They began to urge Taylor and his family to make preparations for hospice care. He died on August 16<sup>th</sup>, 2008. I was in Boston, where he lived, for almost all of August prior to his death. If any pet owner in America had forced a dog or cat to endure what Taylor had to endure, he would have been charged with animal cruelty. Yet human beings are, under current law in Pennsylvania, condemned to suffer unspeakable agony with no legal recourse. I believe this has to change.

Without getting too graphic, Taylor’s deterioration was swift and comprehensive. He lost over 50% of his body weight. His occasional attempts to eat were met with violent vomiting. In the last weeks when I was present, he lost the ability to walk, speak, or move. He could however still feel pain, and he was fully aware that as bad as things were, they were never going to get better, they would only get worse. Perhaps the most unbearable part for Taylor (I’m guessing, he couldn’t tell me) was knowing his wife and two young children were watching the whole thing.

I think most, if not all of us would want to make our end of life decisions ourselves. My bill would make that possible. There would be strict criteria that would have to be met. Let me lay out what would have to happen before a person could be prescribed life-ending medicine.

- The patient would have to be a resident of Pennsylvania

- The request would have to come from the patient , on a form prescribed in the statute
- The request would have to be witnessed by two people, one of whom would have to be a non-relative who had no financial stake in the death of the patient
- Those witnesses would have to certify that the patient was of sound mind when he or she signed the request
- The patient's attending physician would have to certify that the patient:
  - a) had a terminal disease
  - b) had less than six months to live
  - c) had no hope of recovery
  - d) had been told all of his or her options including the possibility of comfort care, hospice care of pain control
- A second "consulting physician would have to certify everything the attending physician did
- If one doctor determines the patient is suffering from depression or any other mental condition that would affect his or her judgment, counseling would have to be ordered
- The patient would have the right, at any point, to decide not to seek the prescription described in this bill

There are numerous other protections in the bill which will guarantee, that every request made under the Death with Dignity Act is voluntary, informed and made without coercion of any kind. I think this bill will go a long way towards ensuring that people suffering from terminal diseases in Pennsylvania retain control over their end-of-life care.

If you are interested in co-sponsoring this legislation, please contact my Legislative Assistant, Samantha Shrauder at 7-5544 or [sshrauder@pasenate.com](mailto:sshrauder@pasenate.com).