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Is Assisted Suicide Legal?

Sometimes we are asked to give our clients information and advice on topics that we don't select. Recently we were asked about assisted suicide. Certainly this is a controversial topic. But what is the law? Although there is much debate about the *morality* of helping a terminally ill person end their life, the fact remains that it is illegal in most states.

In 1997, the United States Supreme Court ruled that there is no Constitutional right to assisted suicide, leaving states free to pass laws specifically prohibiting it. Under the laws of most states, helping someone to commit suicide is a felony.

Only two states have passed laws legalizing assisted suicide, and only in limited circumstances. Oregon's Death with Dignity Act permits physicians to prescribe lethal medication that will allow terminally ill individuals to end their lives. There are very specific steps—including waiting periods and release forms—that must be followed before the medication can be prescribed. Washington has a similar law.

The Supreme Court of the state of Montana paved the way, in 2009, for a statute similar to Oregon's, ruling that physicians could be permitted to prescribe medication to help terminally ill individuals end their lives, but lawmakers have, to date, not enacted a law that would allow this.

In New York State the law is clear. The Penal Law states that one who "intentionally causes or aids another person to attempt suicide" is guilty of promoting a suicide attempt, a class E felony and that one who "intentionally causes or aids another person to commit suicide" is guilty of manslaughter in the second degree, a class C felony.