

Comparison of Provisions in S.74 to other state MAID laws

State	Statute Link	Timeline	Telemedicine	Immunity
Vermont	Patient Choice and Control at the End of Life Act; 2013	<ul style="list-style-type: none"> • Two oral requests a minimum of 15 days apart and written request to attending physician. • Patient must also consult with a consulting physician for medical confirmation of the diagnosis, prognosis, and a determination that the patient was capable, was acting voluntarily, and had made an informed decision. • 48 hours must pass after all of the above steps have been completed before prescription can be written. 	<ul style="list-style-type: none"> • Both oral requests must be made in the physical presence of the attending physician. 	<p>A physician shall be immune from any civil or criminal liability or professional disciplinary action for actions performed in good faith compliance with the provisions of this chapter.</p>
Oregon	Death with Dignity Act; 1994/1997	<ul style="list-style-type: none"> • Two oral requests a minimum of 15 days apart (plus written request to attending physician) • No less than 15 days shall elapse between the patient’s initial oral request and the writing of a prescription • No less than 48 hours shall elapse between the patient’s written request and the writing of a prescription. • Patient must also consult with a consulting physician for confirmation diagnosis, prognosis and that the individual has the capacity to make medical decisions. • Waiting period may be waived if physician has medically confirmed that the qualified patient will, within reasonable medical judgment, die within 15 days after making the initial oral request. 	<ul style="list-style-type: none"> • No requirement that patient be in the physical presence of physician. 	<p>No person shall be subject to civil or criminal liability or professional disciplinary action for participating in good faith compliance.</p>

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California	End of Life Option Act Amended by SB 380 End of Life (2021-2022)	<ul style="list-style-type: none"> Two oral requests a minimum of 48 hours apart and written request to attending physician Patient must also consult with a consulting physician for medical confirmation of the diagnosis and prognosis, and for a determination that the individual has the capacity to make medical decisions and has complied with the provisions of the law. 	<ul style="list-style-type: none"> No requirement that patient be in the physical presence of physician. 	<p>To person who is present during self-administration or assists by preparing the aid-in-dying drug.</p> <p>A health care provider shall not be subject to civil, criminal, administrative, disciplinary, employment, credentialing, professional discipline, contractual liability, or medical staff action, sanction, or penalty or other liability for participating.</p>
New Mexico	Elizabeth Whitefield End of Life Options Act; 2021	<ul style="list-style-type: none"> The prescribing provider may write a prescription after all the requirements of the Act are met, including a written request, consulting physician determination and capacity determination. If the patient is enrolled in Hospice, they do not need confirmation by the consulting physician. The prescription may not be filled until 48 hours after it is written. The waiting period may be waived if the physician determines that, “within reasonable medical judgement” the patient will die before the 48 hours expires. 	<ul style="list-style-type: none"> No requirement that patient be in the physical presence of physician. 	<p>A person shall not be subject to criminal liability, licensing sanctions or other professional disciplinary action for: (1) participating, or refusing to participate, in medical aid in dying in good faith compliance with the Act; or (2) being present when a qualified patient self-administers the prescribed medical aid in dying medication to end the qualified individual's life in accordance with the provisions of the Act.</p>
Colorado	End of Life Options Act; 2016	<ul style="list-style-type: none"> Two oral requests a minimum of 15 days apart and written request to attending physician Patient must also consult with a consulting physician for confirmation diagnosis, prognosis and that the individual has the capacity to make medical decisions. 	<ul style="list-style-type: none"> No requirement that patient be in the physical presence of physician. 	<p>A person is not subject to civil or criminal liability or professional disciplinary action for acting in good faith under this article.</p>

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District of Columbia	D.C. Death with Dignity Act; 2016/2017	<ul style="list-style-type: none"> • Two oral requests a minimum of 15 days apart and a written request to attending physician. • Patient must also consult with a consulting physician for confirmation diagnosis, prognosis and that the individual has the capacity to make medical decisions. 	<ul style="list-style-type: none"> • No requirement that patient be in the physical presence of physician. 	No person shall be subject to civil or criminal liability or professional disciplinary action for participating in good faith compliance with this act.
Hawaii	Our Care, Our Choice Act; 2018/2019	<ul style="list-style-type: none"> • Two oral requests a minimum of 20 days apart and a written request to attending physician. • Patient must also consult with a consulting physician for confirmation diagnosis, prognosis and that the individual has the capacity to make medical decisions. • Not less than forty-eight hours shall elapse between the qualified patient’s written request and the taking of steps to make available a prescription. 	<ul style="list-style-type: none"> • No requirement that patient be in the physical presence of physician. 	No person shall be subject to civil or criminal liability or professional disciplinary action for participating or acting in good faith compliance with this chapter
Maine	Death with Dignity Act; 2019	<ul style="list-style-type: none"> • Two oral request and a written request and 15 days must elapse between the patient's initial oral request and the date the patient signs the written request. • Patient must also consult with a consulting physician for confirmation diagnosis, prognosis and that the individual has the capacity to make medical decisions. • At least 48 hours must elapse between the date the patient signs the written request and the writing of a prescription. 	<ul style="list-style-type: none"> • No requirement that patient be in the physical presence of physician. 	Immunity is handled differently in Maine’s Statute than in other states’ statutes. There is no specific “Immunity” clause, rather other clauses list this statute as an affirmative defense.

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New Jersey	Aid in Dying for the Terminally Ill Act; 2019	<ul style="list-style-type: none"> • Two oral requests a minimum of 15 days apart and a written request to attending physician. • Patient must also consult with a consulting physician for confirmation diagnosis, prognosis and that the individual has the capacity to make medical decisions. • At least 48 hours shall elapse between the attending physician's receipt of the patient's written request and the writing of a prescription 	<ul style="list-style-type: none"> • No requirement that patient be in the physical presence of physician. 	<p>A person shall not be subject to civil or criminal liability or professional disciplinary action, or subject to censure, discipline, suspension, or loss of any licensure, certification, privileges, or membership, for any action taken in compliance with the provisions.</p> <p>The New Jersey State Board of Pharmacy... shall adopt such rules and regulations as are necessary to implement... concerning the duties of a licensed pharmacist pursuant thereto.</p>
Washington	Death with Dignity Act; 2008	<ul style="list-style-type: none"> • At least fifteen days shall elapse between the patient's initial oral request and the writing of a prescription. • Patient must also consult with a consulting physician for confirmation diagnosis, prognosis and that the individual has the capacity to make medical decisions. • At least forty-eight hours shall elapse between the date the patient signs the written request and the writing of a prescription. 	<ul style="list-style-type: none"> • No requirement that patient be in the physical presence of physician. 	<p>A person shall not be subject to civil or criminal liability or professional disciplinary action for participating in good faith compliance with this chapter.</p>
Montana	Baxter v Montana	<p>Baxter v. Montana, is a Montana Supreme Court case, decided on December 31, 2009, that addressed the question of whether the state's constitution guaranteed terminally ill patients a right to a prescription medication from their physicians to hasten their death. The Montana Supreme Court sidestepped the question of if medical aid in dying is guaranteed under Montana State Constitution, but it instead ruled, on narrower grounds, that neither legal precedent nor the state's statute deem such assistance to be against public policy or illegal. Therefore medical-aid in dying is legal in Montana with no proscribed process.</p>		