

QUIETLY, GEORGIA BECOMES FOURTH US STATE TO LEGALIZE PHYSICIAN-ASSISTED SUICIDE

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ATLANTA, Georgia

Without fanfare, Georgia has become the fourth state in the United States to legalize physician assisted suicide, the attorney general of Georgia disclosed in a brief before the Supreme Court of Georgia.

Until now, it had generally been thought and has been repeatedly publicized that physician assisted suicide was legally allowed only in three states: Washington, Oregon, and Montana. The attorney general of Georgia's interpretation of the Georgia law was disclosed Friday in a brief filed in an appeal involving four volunteers for Final Exit Network, a group charged with violating Georgia's ban on offering to assist in a suicide.

In preparation for a hearing scheduled to take place at 10 a.m. on Monday in the Supreme Court of Georgia, the attorney general, Samuel S. Olens, revealed his interpretation of the Georgia statute, which previously was thought to prohibit assistance in suicide.

The attorney general of the state now says the law prohibits assisted suicide only in a case where the suspect also publicly advertises, offers, or holds out that he will assist in a suicide. So long as a doctor does not make any public statement about his availability to participate in physician assisted suicide, the doctor has not violated the law of Georgia by writing prescriptions for lethal doses of drugs to enable patients to decide to die at the time of their own choosing.

In arguing that the Georgia statute makes physician assisted suicide legal so long as a doctor keeps the practice confidential, the attorney general wrote, The statute leaves room for doctors and patients to make private decisions at the end of life and reflects concerns for doctors and other healthcare professionals involved when patients end their lives.

In a brief previously filed in the case, the district attorney of Forsyth County, Penny Penn, who is prosecuting the Final Exit Network and its volunteers, was even more clear in saying that physician assisted suicide is legal in Georgia so long as it is done confidentially. She argued that the statute, section 16-5-5(b) of the Georgia Code, was carefully and intentionally drafted to protect the privacy of a patient's decision, when made privately in consultation with his doctor, to end his or her life.

In her brief to the Supreme Court, Penn said, The legislature was careful not to enact a statute that would reach family members trying to make painful end of life decisions or family physicians making medical recommendations. Indeed, the intent of the Georgia legislature in 1994 was to allow citizens to make private decisions about their healthcare with their private physicians and their family members. What the legislation is intended to prevent is a Dr. Kevorkian-type actor coming to the State of Georgia and publicly assisting suicide.

Penn's brief added, The statute was narrowly drawn to allow any and all discussion of end-of-life decisions, to allow private family and medical decisions to be made regarding end-of life decisions and only to restrict assistance of suicide by a Dr. Kevorkian-type actor. The statute is narrowly drawn to reach only those with a public agenda.

In enacting this statute, the legislature considered banning assisted suicide in all circumstances, but ultimately determined that criminalizing all assistance of suicide would encroach upon the liberty rights of individuals to make medical decisions for themselves with their family and physicians.

The statute is narrowly tailored to accomplish the goal of preventing assisted suicide advocates from assisting in suicide yet allows those who are intimately involved with a person to make end-of-life decisions without fear of repercussion.