

May 26, 2023

Dear Governor Lombardo:

We, the undersigned organizations, respectfully request a veto of SB 239, legislation to legalize assisted suicide in Nevada.

### **Impact on Patients**

There are woefully insufficient protections for the vulnerable who will be heavily impacted by this law. No in-person evaluation is required; less-qualified medical professionals can prescribe lethal drugs; only one witness to the request is required; coroners have no authority to investigate a suspicious death; patients who are not dying can request lethal drugs; no meaningful mental health evaluation is required; no medical professional is required to be present or assess the patient at the time the lethal drugs are taken; and false reporting of the cause of death is required on the death certificate. This lack of protections amplifies the potential for coercion and abuse, especially for patients who are older or have disabilities.

While alleviating the pain of patients is the overriding emphasis of proponents of this law, reports from Oregon and other states where assisted suicide is legal indicate that the primary reasons for requesting lethal drugs are social and disability related—not pain or fear of pain. <sup>1</sup>

### **Impact on the Disability Community**

All major disability organizations in the country are strongly opposed to assisted suicide. In 2019, the National Council on Disability released a major paper outlining the reasons why the disability community is negatively impacted by laws allowing assisted suicide. <sup>2</sup>

### **Conscience Impact on Medical Professionals and Facilities**

The law would require physicians and advance practice nurses who find provision of deadly drugs ethically objectionable to refer patients and thus be involved in the practice. If a medical professional does not believe a patient is “terminal” but another one does, will the objecting professional be censured, sanctioned, and successfully sued? The law would also violate institutional freedom of conscience by requiring facilities to permit their providers to counsel patients about assisted suicide on their premises. This would gravely affect religiously affiliated facilities.

### **No Residency Requirement**

Nevada becomes a suicide tourism destination under the law, as there is no residency requirement. In addition, there is no means to prevent patients from gaining lethal drugs in Nevada and taking them back to their own state, which likely prohibits assisted suicide. The meager “safeguards” in the Nevada law disappear in the patient’s home state. And if a death is investigated, there is the potential that a Nevada medical professional who prescribed the drugs could be extradited to face prosecution in the state where the drugs are ingested.

## **Recent Assisted Suicide Legal Challenges**

In December of 2022, a lawsuit (*Lacy v. Torrez*) was filed in New Mexico against a similar law requiring health care professionals to participate in assisted suicide. The case led the New Mexico legislature to recently amend their unconstitutional law to respect conscience rights of health care professionals.

In April of 2023, a lawsuit challenging California's assisted suicide law was filed in federal district court in Los Angeles. *United Spinal Association v. California* will consider whether the law violates the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the due process and equal protection clauses of the 14<sup>th</sup> Amendment to the U.S. Constitution.

And just last week, in *Christian Medical & Dental Associations v. Bonta*, health care professionals in California obtained a victory against portions of California's assisted suicide law requiring health care professionals to violate their conscience through similar referral and participation requirements as SB 239's mandates.

Thank you for your consideration of this request. Your duty to protect all citizens of Nevada is compromised if you sign this legislation into law.

Most sincerely,

Deidre Hammon -- Nevada Center for Self-Determination

Christopher Ripke -- Nevada People First

Melissa Clement -- Nevada Right to Life

Karen England -- Nevada Family Alliance

Damian Cirincione -- Executive Director - Treasurer, Nevada Baptist Convention

Atty. Jennifer Popik --National Right to Life

Matt Valliere --Patients' Rights Action Fund

Atty. Denise Harle -- Alliance Defending Freedom

Dr. Jeffrey Barrows -- American Academy of Medical Ethics

Dr. Sharon Quick -- Physicians for Compassionate Care

Dr. Craig Treptow -- President, Catholic Medical Association

Atty. Catherine Glenn Foster -- Americans United for Life

F. Brent Leatherwood --President, Ethics & Religious Liberty Commission, Southern Baptist Convention

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<https://www.oregon.gov/oha/PH/PROVIDERPARTNERRESOURCES/EVALUATIONRESEARCH/DEATHWITHDIGNITYACT/Documents/year25.pdf>, page 14

2 [https://ncd.gov/sites/default/files/NCD\\_Assisted\\_Suicide\\_Report\\_508.pdf](https://ncd.gov/sites/default/files/NCD_Assisted_Suicide_Report_508.pdf)