

Summer 2019

Estate Planning Update Summer 2019 - New Jersey Update: New Jersey Enacts Aid in Dying Law

On April 12, Governor Phil Murphy signed the Aid in Dying for the Terminally Ill Act, making New Jersey the eighth jurisdiction in the country (including the District of Columbia) to allow terminally ill patients to end their own lives in a humane and dignified manner. The new law goes into effect on August 1. The bill allows adult residents of New Jersey who have capacity and are determined to be terminally ill to request and self-administer medication to end their lives.

To obtain this medication, a patient's attending physician must determine that the patient (1) has an irreversibly fatal illness with a life expectancy of less than six months, (2) has the capacity to make healthcare decisions and communicate them to a healthcare provider, and (3) is voluntarily requesting the medication. Patients are required to make two oral requests to the physician at least 15 days apart and one written request for the medication, which can be submitted any time after the first oral request. Written requests must be signed by the patient and at least two witnesses, one of whom cannot be a relative, an heir of the patient's estate, or an owner or employee of a healthcare facility where the patient is receiving care. Patients who submit a request can rescind it at any time. Only patients can request the medication, but a guardian, conservator or healthcare representative can submit the request if communicating the patient's decisions as requested by the patient. Upon receiving the oral and written requests, the physician is required to consult with a second physician and inform the patient of risks and alternatives to the medication, as well as refer the patient to counseling, when appropriate.

The bill also amends the current Aiding Suicide statute under the New Jersey Code of Criminal Justice to exclude any actions taken in accordance with the provisions of this bill.