

# Proposed Assisted Dying for Terminally Ill Adults (Scotland) Bill

## Introduction

A proposal for a Bill to enable competent adults who are terminally ill to be provided at their request with assistance to end their life.

The consultation runs from 23 September 2021 to 22 December 2021.

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (\*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation Document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used.

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If you are under 12 years old and making a submission, we will need to contact you to ask your parent or guardian to confirm to us that they are happy for you to send us your views. Please **ONLY** tick this box if you are **UNDER** 12 years of age.

On the previous page we asked you if you are **UNDER 12 YEARS** old, and you responded **Yes** to this question.

If this is the case, we will have to contact your parent or guardian for consent.

If you are under 12 years of age, please put your contact details into the textbox. This can be your email address or phone number. We will then contact you and your parents to receive consent.

Otherwise please confirm that you are or are not under 12 years old.

No, I am over 12 years old and I have read and agree the Privacy Notice

## About you

Please choose whether you are responding as an individual or on behalf of an organisation.  
Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

*No Response*

Please select the category which best describes your organisation

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

**Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).**

My Death, My Decision is a grassroots campaign group that wants the law in England and Wales to allow those who are terminally ill or intolerably suffering the option of a legal, safe, and compassionate assisted death. Views expressed represent the organisation as a whole.

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your Full Name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

My Death, My Decision

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

We will not publish these details.

**Aim and Approach - Note: All answers to the questions in this section may be published (unless your response is "not for publication").**

Q1. Which of the following best expresses your view of the proposed Bill?

Fully supportive

**Please explain the reasons for your response.**

The right to die in a manner and timing of your own choice should be seen as a fundamental human right. As society has become increasingly adept at extending the length of someone's life, but not necessarily its quality, the case for a balanced and compassionate change in the law has become clearer and the cruelty of the current law on assisted dying has become starker.

Rather than approaching the issue with compassion and care for the individual, the law in Scotland forces people to die abroad or take matters into their own hands, which in reality means the lonely and distressing option of suicide or the painful and inhumane process of starvation.

Just as compassion has motivated people to support assisted dying for those who are terminally ill, compassion for others should underscore support for a change in the law for adults of sound mind who are facing constant and unbearable suffering.

Q2. Do you think legislation is required, or are there other ways in which the Bill's aims could be achieved more effectively? Please explain the reasons for your response.

Legislation is required, which would allow all mentally capable adults who are living with a terminal illness or suffering from an incurable condition to have an assisted death. This ensures that all individuals eligible for an assisted death have clear rights under the law and (as other countries have shown) provides certainty amongst those who are seeking an assisted death.

Q3. Which of the following best expresses your view of the proposed process for assisted dying as set out at section 3.1 in the consultation document (Step 1 - Declaration, Step 2 - Reflection period, Step 3 - Prescribing/delivering)?

Fully supportive

**Please explain the reasons for your response, including if you think there should be any additional measures, or if any of the existing proposed measures should be removed. In particular, we are keen to hear views on Step 2 - Reflection period, and the length of time that is most appropriate.**

MDMD fully supports step 1. We believe two doctors should sign off on the death to address safeguarding concerns. Further, we support individuals being given all information surrounding their illness, what palliative and/or hospice options are available to them, and all feasible alternatives.

We fully support part 2.

Part 3- we believe consideration should be given to the Canada model where applicants can choose an injection - which the majority do.

Q4. Which of the following best expresses your views of the safeguards proposed in section 1.1 of the consultation document?

Fully supportive

**Please explain the reasons for your response.**

MDMD fully supports the safeguards proposed.

Q5. Which of the following best expresses your view of a body being responsible for reporting and collecting data?

Fully supportive

Q6. Please provide comment on how a conscientious objection (or other avenue to ensure voluntary participation by healthcare professionals) might best be facilitated.

Individual conscientious objection should be allowed, but it should be incumbent on those objecting to give information to applicants about how/where they can receive help. But there should be no right for any publicly funded institution to object en bloc, because that could seriously impair both patient access and patient well-being.

## Financial Implications

Q7. Taking into account all those likely to be affected (including public sector bodies, businesses and individuals etc), is the proposed Bill likely to lead to:

no overall change in costs

**Please indicate where you would expect the impact identified to fall (including public sector bodies, businesses and individuals etc). You may also wish to suggest ways in which the aims of the Bill could be delivered more cost-effectively.**

Considering some individuals who are living permanently in care or hospice homes or receiving high amounts of other palliative care would choose to end their life with assisted dying, this change in law would likely have little change in cost overall. Although there may be additional spending when first passed for Public Health Scotland to develop protocols and education or training to the public and medical providers.

## Equalities

Q8. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation?

Positive

**Please explain the reasons for your response. Where any negative impacts are identified, you may also wish to suggest ways in which these could be minimised or avoided.**

This Bill would improve equality amongst individuals. This is because currently individuals who want a legal assisted death are required to travel to Switzerland. This can be impacted or prevented by an individual's protected characteristics - e.g. people with disabilities may not be able to travel or self-administer the medication. Further, it would create equality amongst those with other characteristics that are not covered by the Equality Act 2010, such as socio-economic status - it is currently estimated to cost over £10,000 to travel to Switzerland for an assisted death.

## Sustainability

Q9. In terms of assessing the proposed Bill's potential impact on sustainable development, you may wish to consider how it relates to the following principles:

- living within environmental limits
- ensuring a strong, healthy and just society
- achieving a sustainable economy
- promoting effective, participative systems of governance
- ensuring policy is developed on the basis of strong scientific evidence.

With these principles in mind, do you consider that the Bill can be delivered sustainably?

Yes

**Please explain the reasons for your response.**

As has been shown in the countries that have assisted dying laws, transparent systems ensure public 'buy-in'. Approval ratings after legalisation remain high. It is notable that 9 states in the USA have in recent years followed the successful example of early-adopter Oregon (1998).

## General

Q10. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

This Bill should also include those who are suffering intolerably. Although MDMD supports this proposed Bill being inclusive to all with terminal illnesses (without any arbitrary life expectancy time limit), not everyone who is suffering intolerably has a terminal illness. We believe that there is a strong moral and legal case for allowing those who face years of prolonged suffering to determine the manner and timing of their own death. Just as compassion for others motivates people to support assisted dying for those who are terminally ill, we believe it should also underscore support for those who have incurable conditions, like Omid T or Paul Lamb.