

A RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Death with Dignity Act of 2016 (“2016 Act”) to give the Department of Health discretion whether to create a form that attending physicians must use to submit information required to be reported under the 2016 Act; to specify that the data tracking required by the 2016 Act shall be done in paper or spreadsheet form; to give the Department discretion whether to issues rules regarding implementation of the 2016 Act; and to repeal the applicability clause of the 2016 Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Death with Dignity Emergency Declaration Resolution of 2016”.

Sec. 2. (a) The Death with Dignity Act of 2016, effective February 18, 2017 (D.C. Law 21-182; 63 DCR 15697), includes an applicability clause due to a one-time fiscal impact of \$125,000 identified in the Chief Financial Officer’s Fiscal Impact Statement at the time of the legislation’s passage.

(b) The applicability clause in the Act prevents the provisions in the law that protect physicians and qualifying patients from prosecution or loss of insurance benefits due to prescribing or taking the medication authorized under the Act from being effective.

(c) The fiscal impact is based on the Department of Health’s determination that it needs to update its electronic death registration system to track information related to

34 persons who use the medications authorized under the Act. However, the fiscal impact  
35 statement estimates that fewer than 10 persons a year will use the medication, a number  
36 which could easily be tracked in paper or spreadsheet form until the changes to the  
37 Department of Health's electronic registration system can be made.

38 (d) The Act also requires the Department of Health to create a form on which  
39 physicians may report the information required in the Act. This requirement could be  
40 interpreted to prevent the protections in the Act for physicians and patients from  
41 becoming effective immediately.

42 (e) Because the patients who are protected under the Act have been diagnosed  
43 with terminal illnesses that will result in death within fewer than 6 months, emergency  
44 legislation is needed to ensure that the protections in the Act for physicians and  
45 qualifying patients are effective immediately. Moving the amendments included in this  
46 act on an emergency basis will remove any technical obstacles that prevent or may  
47 prevent the protections in the Act from becoming fully effective as of its effective date.

48 Sec. 3. The Council of the District of Columbia determines that the  
49 circumstances enumerated in section 2 constitute emergency circumstances making it  
50 necessary that the Death with Dignity Emergency Amendment Act of 2017 be adopted  
51 after a single reading.

52 Sec. 4. This resolution shall take effect immediately.