

ALLIANCE DEFENSE FUND NEWS RELEASE

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## Hawaii attorney general: Doctor-prescribed death illegal under state law

### *Conclusion shatters pro-death group's attempt to argue that state law allows assisted suicide*

HONOLULU — Doctor-prescribed death is illegal under Hawaii law despite what a pro-death group has argued, according to a newly authored legal opinion issued by Hawaii Attorney General David Louie to Sen. Josh Green, M.D.

Green requested the opinion after learning from media reports and an Alliance Defense Fund allied attorney that the group Compassion and Choices was publicly arguing that state law allows for physician-assisted suicide. According to Green, the attorney general's legal opinion states that state law "does not authorize physicians to assist terminally ill patients with dying" and "a physician who provided assistance with death could be charged under Hawaii's manslaughter statute."

"Depressed patients need understanding and sound medical treatment, not encouragement to kill themselves. State law reflects this, and no one should believe the recent falsehoods that pro-death proponents have spread about the law. The Hawaii attorney general has clearly concluded that state law does not permit doctor-prescribed death and that any physician who participates in it can be prosecuted," said Honolulu attorney Jim Hochberg, one of nearly 2,100 attorneys in the ADF alliance.

Hochberg participated in an expert panel on physician-assisted suicide hosted Dec. 8 by [Hawaii's Partnership for Appropriate and Compassionate Care](#) and authored a [Nov. 30 column](#) in *The Honolulu Star-Advertiser* debunking the claims of pro-death proponents about Hawaii law.

Compassion and Choices, formerly known as The Hemlock Society, attempted to argue that a 1909 law, §453-1, enacted while Hawaii was a U.S. territory and that allows for "remedial agents" to be given to patients declared "hopeless and beyond recovery" somehow means that doctors can legally prescribe lethal doses of medication to such patients.

Green informed Hochberg that the attorney general's opinion concludes this is not the case. The opinion explains that the history of the law clearly indicates its intent to prohibit prosecution of someone whose untested techniques or materials may be able to save a patient when traditional medical practice could not.

"This law simply does not give doctors discretion to hasten the death of patients," Hochberg explained.

Pronunciation guide: Hochberg (HOAK'-burg)

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