

ORIGINAL

MONTANA SENATE JUDICIARY COMMITTEE HEARING

FEBRUARY 10, 2011

EXECUTIVE ACTION ON

SENATE BILL 185 and SENATE BILL 167

Senator Essman's
quote is
on page 15
→

1 actually find it kind of ironic the sponsor of the
2 bill just made a statement on the previous bill that
3 he says we kill people who are innocent. And now we
4 want to kill people who are -- they might be
5 terminally ill. We don't know that. You know, I
6 mean, we heard testimony yesterday. A doctor's
7 prognosis could be wrong.

8 And another thing, the reason why we don't
9 see a lot of statistics on the abuse of those who have
10 taken their lives, there's no recording. There's no
11 reporting of it. So how would we know?

12 But you know, bottom line is Montana should
13 not be in the business sanctioning the death of our
14 elderly by this means. It's just plain bad public
15 policy.

16 Chairman Murphy: Senator Essman is next.

17 Senator Essmann: Mr. Chairman, I'm going to
18 oppose this bill for a simple reason. You know, the
19 sponsor has talked about our obligation to look after
20 the people in the medical profession. But I am way
21 more worried about our obligation to protect the
22 powerless.

23 The -- as was elicited during the testimony,
24 there is no protection under the Oregon scheme that is
25 designed to ensure that the medication suggested here

1 is self-administered. All the protections end after
2 the prescription is written. They admitted that the
3 provisions in the Oregon law would permit one person
4 to be alone in that room with the patient. And in
5 that situation, there is no guarantee that that
6 medication is self-administered.

7 So frankly, any of the studies that come out
8 of the state of Oregon's experience are invalid
9 because no one who administers that drug against -- to
10 that patient is going to be turning themselves in for
11 the commission of a homicide.

12 There's inadequate protection in this bill
13 for the powerless. It's our obligation to protect the
14 powerless. And I'm going to vote no.

15 Chairman Murphy: Senator Shockley is next, I
16 believe.

17 Vice Chair Shockley: Mr. Chairman, Members
18 of the Committee, I actually do -- or have, over the
19 years, done a lot of probate. And I deal with older
20 people. Frequently -- not frequently, but on
21 occasion, I will seek medical advice on whether that
22 person is competent.

23 Sometimes, it's not very often, I'll actually
24 have them give them a battery of tests for -- it's
25 quite expensive, actually. And that's simply to