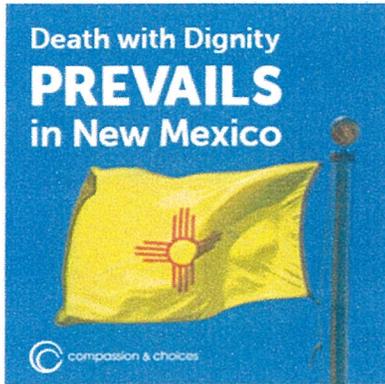


The Ongoing Story Morris v. New Mexico Death with Dignity in New Mexico

In March 2012, Aja Riggs, a New Mexico woman with advanced uterine cancer, and physicians Katherine Morris and Aroop Mangalik asked a New Mexico court to rule that state law does not prevent doctors from providing aid in dying.

The plaintiffs sought a declaratory judgment that aid in dying, prescribing medication to a terminally ill, mentally competent adult may self-administer for peaceful dying, is not assisting a suicide. New Mexico law classifies assisted suicide as a felony.

January 13, 2014, Second Judicial District Judge Nan Nash issued a landmark ruling on constitutional grounds. She found that terminally ill, mentally competent patients have a fundamental right to aid in dying under the substantive due process clause of the New Mexico State Constitution.



“This Court cannot envision a right more fundamental, more private or more integral to the liberty, safety and happiness of a New Mexican than the right of a competent, terminally ill patient to choose aid in dying. If decisions made in the shadow of one’s imminent death regarding how they and their loved ones will face that death are not fundamental and at the core of these constitutional guarantees, than [sic] what decisions are? ... The Court therefore declares that the liberty, safety and happiness interest of a competent, terminally ill patient to choose aid in dying is a fundamental right under our New Mexico Constitution.”

New Mexico’s Attorney General has appealed this ruling. If affirmed on appeal, the ruling will impact the entire state, paving the way for improved, compassionate and self-determined end-of-life care. The court explicitly stated that District Attorney and Attorney General are “permanently enjoined from prosecuting any physician for providing aid in dying to a mentally competent, terminally ill individual.”

What this means...

For patients: In Bernalillo County, which includes Albuquerque and almost all the tertiary medical care in the state, patients are free to talk with their physicians about aid in dying.

For physicians: In Bernalillo County, physicians are protected from prosecution for engaging in the medical practice of aid in dying with an adult, terminally ill, mentally competent patient. This protection could be overturned on appeal, but prosecution would not be retroactive.

Where we go from here...

Continued litigation: If the Supreme Court affirms this ruling on appeal, the fundamental right to aid in dying for terminally ill, mentally competent adults will apply throughout the State.

Normalizing the Conversation: Normalizing the conversation includes bringing patients, medical providers and local leaders together to craft the landscape of compassionate care in the community. Compassion & Choices supports adherence to standards of care and practice guidelines. We do this by supporting medical professionals to best serve terminally ill patients at the end of life, including responding to requests for aid in dying; by providing educational materials about how to honor end-of-life wishes; by providing information and support to patients and families, and by offering patient advocacy services. Call 1-800-247-7421 for more information.