

New York's Medical Aid in Dying Act

New York is now the 14th jurisdiction to authorize medical aid in dying. The law was signed by Governor Kathy Hochul on February 6, 2026 and will take effect on August 5, 2026.

The legislation allows:

A terminally ill, mentally capable adult with a prognosis of 6 months or less to live the option to request, obtain and decide to ingest medication to die peacefully in their sleep if suffering is unbearable.

The bill is modeled after the Oregon Death with Dignity Act, which has been in effect for more than 20 years without a single instance of abuse or coercion.

Eligibility criteria

Just like the Oregon Death with Dignity Act to be eligible, a person must:

1. Be an adult, aged 18 or older,
2. Have a medically confirmed terminal illness that is incurable and irreversible,
3. Be given a prognosis of 6 months or less to live,
4. Be mentally capable of making an informed health care decision,
5. Be able to self-administer the aid-in-dying medication

Individuals are not eligible for medical aid in dying because of age or disability.

Additional requirements

- > Qualified patients must be a New York State resident.
- > Two physicians must confirm that the person is terminally ill with a prognosis of 6 months or less to live, is making an informed health care decision, and is not being coerced.
- > The initial evaluation of the patient by the attending physician must be conducted in person, unless the attending physician determines that an in-person visit would result in extraordinary hardship to the patient.
- > The attending physician must inform the requesting individual about all of their end-of-life care options, including palliative care and hospice.
- > A mandatory mental health evaluation must be conducted by a psychologist, neurologist, or psychiatrist to determine that the person has the capacity to make an informed health care decision. The mental health provider must confirm in writing the dying person's capacity before a prescription can be written.
- > The individual must make an oral request to their attending physician, and the oral request must be recorded by video or audio and permanently stored in the patient's medical record.
- > The individual must also submit a written request for aid-in-dying medication, witnessed by two people — neither of whom can be a relative, someone who

Updated 3-10-26

info@CompassionAndChoices.org

CompassionAndChoices.org

 **compassion
& choices**



stands to benefit from the person's estate, or anyone who may benefit financially from the person's death.

- > There is a mandatory waiting period of 5 days between when a prescription is written and when it may be filled, unless the attending physician determines that the patient is not expected to survive that period.
- > The terminally ill person can withdraw their request for aid-in-dying medication, not take the medication once they have it, or otherwise change their mind at any point in time.
- > The individual must be able to self-ingest the medication.
- > No physician, health provider, or pharmacist is required to participate in medical aid in dying.
- > Religiously oriented home hospice providers may opt out of offering medical aid in dying; however, a patient receiving hospice care in their own home may not be prevented from accessing medical aid in dying.
- > Those who comply with all aspects of the law receive civil and criminal immunity.
- > A violation of this law constitutes professional misconduct under the New York Education Law.
- > Anyone attempting to coerce a patient will face criminal prosecution.
- > Unused medication must be disposed of as required by state and federal laws.
- > Health insurance benefits are unaffected by the availability of medical aid in dying, and life insurance payments cannot be

denied to the families of people who use the law.

- > The New York Health Commissioner is required to issue a publicly available annual report about the usage of the law. Patient and physician identifying information is kept confidential.
- > The law takes effect six months after signing, allowing the Department of Health to promulgate necessary regulations and enabling health care facilities to prepare and train staff for compliance.

Talking to your doctor

Ask your healthcare providers now whether they will support your end-of-life choices, including medical aid in dying. This will encourage them to listen to your priorities and become prepared to provide you with the care you may want in the future. If your medical providers are unable or unwilling to support your end-of-life choices, you have the option to change to a healthcare team that puts your wishes first.

call compassion

 800.247.7421

For any questions you might have, the Call Compassion End of Life Consultation helpline is at 800.247.7421.

Find forms, videos and resources for patients and clinicians at:

CompassionAndChoices.org/NewYork

