

# House of Representatives

# Supplementary Order Paper

Wednesday, 1 May 2019

## End of Life Choice Bill

### *Proposed amendment*

Simon O'Connor, in Committee, to move the following amendment:

*New clauses 27A and 27B*

After *clause 27* (page 19, after line 4), insert:

#### **27A Advertising prohibition**

- (1) No person, unless authorised by **section 27B**, may publish in New Zealand, or arrange for any other person to publish in New Zealand, an assisted dying advertisement.
- (2) A notice or sign must be treated as an assisted dying advertisement if the notice or sign—
  - (a) communicates information that includes assisted dying health information or warnings, assisted dying eligibility information or warnings, or both; and
  - (b) is displayed inside of or immediately outside the premises of a health practitioner; and
  - (c) is not required or permitted by this Act, regulations under this Act, or both.
- (3) In this section and **section 27B, assisted dying advertisement**—
  - (a) means any words, whether written, printed, or spoken, including on film, video recording, or other medium, broadcast or telecast, and any pictorial representation, design, or device used to encourage the use or to notify the availability of assisted dying, and includes—

- (i) any trade circular, any label, and any advertisement in any trade journal; and
- (ii) any depiction, in a film, video recording, telecast, or other visual medium, of assisted dying, where in return for that depiction a sum of money is paid or any valuable thing is given, whether to the maker or producer of that film, video recording, telecast, or visual medium, or to any other person; and
- (b) does not include—
  - (i) the editorial content of—
    - (A) a periodical:
    - (B) a radio or television programme:
    - (C) a publication on a news media Internet site:
  - (ii) any publication on the Internet, or other electronic medium, of personal views by an individual who does not make or receive a payment in respect of the publication.

**27B Exceptions to advertising prohibition**

- (1) A retailer of medication used for the purpose of assisted dying may do all or any of the following things:
  - (a) provide, inside that retailer’s place of business, and on a request from a health practitioner (however expressed), any information (in any medium, but only in the form of printed, written, or spoken words) that—
    - (i) does no more than identify the medications that are available for purchase in that place and indicate their price; and
    - (ii) complies with any relevant regulations:
  - (b) display the retailer’s name or trade name at the outside of the retailer’s place of business so long as the name is not and does not include any reference to assisted dying.
- (2) A health practitioner may give a person such information as is necessary to—
  - (a) determine that person’s eligibility for assisted dying in accordance with **section 4**:
  - (b) provide that person with the information required by **sections 8(2), 9, 13(2) and (4), 14(2), or 15(3)**:
  - (c) obtain the information required by **sections 10(2), 11(3), and 12(3)**.

- (3) A health practitioner may communicate with other health practitioners for the purposes of this Act.

### **Explanatory note**

This Supplementary Order Paper amends the End of Life Choice Bill. Its provisions are intended to protect potentially vulnerable people by restricting the promotion of assisted dying services or products to a public audience, including for commercial gain.

In creating a legal form of assisted dying, the law would in effect create a new service that can be offered by certain medical professionals under certain conditions, and create a (restricted) market for the legal sale of products used in the commission of assisted dying.

In order to achieve the Bill's own objectives, it is important that assisted dying remain a strictly limited option for those in extreme circumstances who are already firmly decided upon such a course of action. It should not become a service or product that organisations can advertise publicly in such a way as to promote or suggest the idea of assisted dying to vulnerable people.

This SOP creates similar restrictions to those that apply to the advertising of other harmful products like cigarettes and alcohol.