



**In Relation to Health Care Decision-Making
(Bill S.2777-Rivera/A.1448-Rosenthal)
Memorandum of Opposition**

Bill S.2777-Rivera/A.1448-Rosenthal would change New York's Health Care Proxy Law to allow health care agents to withhold food and water from patients in certain circumstances.

Currently, under the Health Care Proxy Law, a health care agent does not have the authority to make decisions about the provision of artificial feeding and hydration unless the agent knows the patient's wishes concerning that subject. Bill S.2777-Rivera/A.1448-Rosenthal would change this, allowing a health care agent to make decisions about hydration and nutrition whether or not they know the patient's wishes. Worse yet, Bill S.2777-Rivera/A.1448-Rosenthal would not just allow a health care agent to withdraw artificial feeding and hydration from an incapacitated patient; it would even allow a health care agent to withdraw mouth feeding and hydration.

This bill is unacceptable. Instead of strengthening protections for incapacitated patients, it would weaken them. There is no valid reason for a health care agent to direct the withholding of oral nutrition and hydration; the result of such a decision, of course, would be death by starvation or dehydration. A compassionate society does not allow vulnerable persons to be starved to death.

Bill S.2777-Rivera/A.1448-Rosenthal must not become law.