

## Medical Aid in Dying Act Implemented in New York State

Healthcare Law Update

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Health care providers across New York State are now grappling with implementation of the [Medical Aid in Dying Act \(S.138/A.136\)](#). Signed into law by Governor Hochul on February 6, 2026, the Act allows terminally ill, mentally competent adults with six months or less to live to self-administer medication to end their lives. The subject of intensive negotiations between the Legislature and Governor Hochul, the Act contains more extensive safeguards than other aid-in-dying laws, including New Jersey's Medical Aid in Dying Act effective since August 2019. Specifically, the Act requires: (i) that two physicians determine that the patient meets the criteria to exercise rights under the law and an evaluation of capacity by a third health care professional who is a psychologist or psychiatrist; (ii) that the patient have the physical ability to self-administer and swallow the medication; and (iii) a five-day waiting period between the time the prescription is written and it can be filled by the patient. The Act protects health care entities and providers from liability and professional discipline if they act or refuse to act in good faith and reasonably in accord with the Act. It bars life insurance companies from denying benefits in cases when a death occurs pursuant to the Act and specifies that the death certificate list the underlying illness as the cause of death, not suicide. The Act becomes effective on August 5, 2026.

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