

United States Senate

WASHINGTON, DC 20510-1604

August 4, 2006

Dear Colleague:

Five years ago, the federal government determined that the use of federally controlled substances for the purpose of assisted suicide was inconsistent with the Controlled Substances Act (CSA). The CSA authorizes physicians to prescribe federally controlled substances to patients when used for a legitimate medical purpose. It also authorizes the Attorney General to revoke a physician's prescription privileges if the physician's actions render his registration inconsistent with the public interest.

Earlier this year, the U.S. Supreme Court ruled in *Gonzales v. Oregon* that it was not a violation of the CSA for a physician to prescribe federally controlled substances for the purpose of assisted suicide. Although the Court held that the CSA did not authorize the Attorney General to prohibit a practice that was legal under state law, it did recognize that Congress has plenary power to set a uniform national standard in this area.

Such a standard is especially important given the Court's repeated rejection of assisted suicide as a protected right under the Constitution. Almost a decade ago, in *Vacco v. Quill* and *Washington v. Glucksberg*, the Court unanimously upheld bans on assisted suicide in New York and Washington State, respectively. A national standard also should reflect the positions of the American Medical Association, which has stated that "physician assisted suicide is ethically incompatible with the physician's role as healer," and of the numerous disability rights groups that have voiced strong opposition to physician assisted suicide and euthanasia.

The legislation I am proposing, S.3788, the Assisted Suicide Prevention Act, would amend the CSA to explicitly prohibit the prescription, distribution, or administration of a federally controlled substance for the purposes of assisted suicide or euthanasia. This bill respects the principles of federalism by preserving the general ability of states to set their own rules, but simply makes clear, as the Constitution contemplates, that federal law is the supreme law of the land.

If you would like to cosponsor the Assisted Suicide Prevention Act, please contact Galen Roehl of my staff at (202)224-6521 or galen_roehl@brownback.senate.gov.

Sincerely,



Sam Brownback
U.S. Senator