



Physician-Assisted Suicide and Euthanasia Law in France

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Euthanasia and doctor-assisted suicide are currently illegal in France. However, a law was adopted in 2005 that allows a sort of “passive euthanasia” by authorizing doctors to use palliative treatments that may have a side effect of shortening the patient’s life.¹ That same law also aimed to stop unreasonable “therapeutic obstinacy” (*acharnement thérapeutique*)² by allowing doctors to stop treatments that would be deemed “pointless, disproportionate, or that have no other purpose than to artificially keep [the patient] alive.”³ In either case, the doctor must inform and be authorized by the patient or, if the patient is unable to communicate, the doctor must consult with the patient’s family or another “person of trust” whom the patient designated for that purpose when he/she was able to do so.⁴ The law applies only to patients who are in the advanced or terminal phase of a serious and incurable medical condition.⁵

A new law is currently being discussed by the French Parliament, which would allow doctors to put a patient, at the patient’s request, under deep and continuous sedation until he/she passes away.⁶ The onset of this sedation would be followed by the cessation of all life-supporting treatment, thus allowing the patient to die without further suffering.⁷ This would apply only in two possible cases:

¹ Loi n° 2005-370 du 22 avril 2005 relative aux droits des malades et à la fin de vie [Law No. 2005-370 of April 22, 2005, Regarding the Rights of Patients and the End of Life], JOURNAL OFFICIEL DE LA REPUBLIQUE FRANÇAISE [J.O.], No. 95, Apr. 23, 2005, p. 7089, http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=5D69B7EF160EDEBC673F1C91FD592596.tpdila15v_1?cidTexte=JORFTEXT000000446240&categorieLien=id.

² *Limitation ou arrêt de traitements pour un patient : en pratique, que dit la loi du 22 avril 2005 ? [Limiting or Stopping the Treatment of a Patient: In Practice, What Does the Law of April 22, 2005, Say?]*, MINISTÈRE DES AFFAIRES SOCIALES, DE LA SANTÉ ET DES DROITS DES FEMMES [MINISTRY OF SOCIAL AFFAIRS, HEALTH, AND WOMEN’S RIGHTS] (Mar. 22, 2005), <http://www.sante.gouv.fr/limitation-ou-arret-de-traitements-pour-un-patient-en-pratique-que-dit-la-loi-du-22-avril-2005.html>.

³ Loi n° 2005-370 du 22 avril 2005, art. 1, *codified as* CODE DE LA SANTE PUBLIQUE [PUBLIC HEALTH CODE], art. L1110-5, http://www.legifrance.gouv.fr/affichCode.do;jsessionid=2AB4516904D1A0807FB25EF3B64CB32F.tpdila15v_1?cidTexte=LEGITEXT000006072665&dateTexte=20150513 (translation by author).

⁴ Loi n° 2005-370 du 22 avril 2005, arts. 2, 5–9; CODE DE LA SANTE PUBLIQUE arts. L1110-5, L1111-4, L1111-10 to L1111-13.

⁵ Loi n° 2005-370 du 22 avril 2005, art. 2; CODE DE LA SANTE PUBLIQUE art. L1110-5.

⁶ Proposition de Loi, adoptée par l’Assemblée Nationale, créant de nouveaux droits en faveur des malades et des personnes en fin de vie [Law Proposal, Adopted by the National Assembly, To Create New Rights For Patients and Persons at the End of Their Lives] art. 3, Sénat (Senate), No. 348, Registered Mar. 17, 2015, <http://www.senat.fr/leg/pp14-348.html>.

⁷ *Id.*

- where the patient has a serious and incurable medical condition, which causes suffering that is resistant to treatment and which is expected to lead to death in the near term; or
- where the patient, suffering from a serious and incurable medical condition, decides to cease pursuing treatment and this cessation of treatment is expected to cause death in the near term.⁸

This proposed law was approved by one of the two chambers of Parliament, the National Assembly, on March 17, 2015.⁹ It still needs to be approved by the Senate before it can be signed into law by the French President. The Senate is scheduled to discuss the proposed law in its public sessions of June 16–17, 2015.¹⁰

⁸ *Id.*

⁹ *Proposition de loi créant de nouveaux droits en faveur des malades et des personnes en fin de vie* [Law Proposal to Create New Rights For Patients and Persons at the End of Their Lives], *Les étapes de la discussion* (The Stages of the Discussion), SENAT [SENATE], <http://www.senat.fr/dossier-legislatif/ppl14-348.html> (last visited May 13, 2015).

¹⁰ *Id.*