Your Wishes, Documented: End-of-Life Planning for Today's Options

Guiding clients through new laws, overlooked documents, and facility policies about aid-in-dying they may not know about

Medical Aid-in-Dying (MAID) Laws Are Expanding: What it Means for You

Estate planning is full of acronyms: POA, DPA, DNR, and QTIP, for example. And in 2026, there is another one that deserves mention: MAID.

Medical aid-in-dying (MAID) laws are expanding across America, and they are prompting some difficult, but in some cases necessary, conversations among individuals, families, and advisors.

Part of the difficulty is how to approach such a loaded topic without it seeming grim or macabre. But with more than a dozen jurisdictions now legally allowing MAID, it is a regular part of estate planning discussions and should not be shied away from.

While loved ones might have reservations about MAID, your attorney's office is one place where you are free to discuss this deeply personal end-of-life option without judgment and with the necessary legal guidance.

The MAID Legal Landscape in 2026

As of September 2026, 14 US jurisdictions legally allow MAID. New York[1] and Illinois[2] are the latest states to put MAID laws into effect, joining California, Colorado, Delaware, Hawaii, Maine, Montana, New Jersey, New Mexico, Oregon, Vermont, Washington, and the District of Columbia. By the end of the year, nearly one-third of Americans will live in an area where a physician can prescribe a fatal medication to a terminally ill patient.[3] As such laws spread, so does the terminology surrounding them. The group Death With Dignity notes that the term comes from Oregon's MAID law, the first to be enacted.[4] While the group prefers to call assisted dying "death with dignity," other recognized terms are "physician-assisted death," "aid in dying," and "physician aid in dying."[5]

MAID differs from euthanasia because the patient, not a physician or another person, administers the lethal dose. Although requirements vary by state, MAID is generally limited to

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[1] Press Release, N.Y. State Dep't of Health, *New York State Department of Health Announces Historic Medical Aid in Dying Law Takes Effect in New York State*, https://www.health.ny.gov/press/releases/2026/2026-08-05_medical_aid_in_dying_law.htm.

[2] Tom Ackerman, *Illinois to become first Midwest state to allow 'medical aid in dying'*, The State Journal-Register (Sept. 11, 2026), https://www.sj-r.com/story/news/state/2026/09/11/illinois-to-implement-medical-aid-in-dying-law-sept-12/91677618007/?gnt-cfr=1&gca-cat=p&gca-uir=false&gca-epti=z111911p001950c001950e005700v111911&gca-ft=196&gca-ds=sophi.

[3] Sharmilla Devi, *Almost a third of Americans set to live in jurisdictions allowing assisted dying*, The Lancet (June 18, 2026), https://www.thelancet.com/journals/lanonc/article/PIIS1470-2045(26)00300-1/abstract?rss=yes.

[4] *About Death With Dignity*, Death With Dignity, https://deathwithdignity.org/about/ (last visited Oct. 28, 2026).

[5] *Id*.

terminally ill adults who have decision-making capacity, voluntarily request the medication, and self-administer it. Euthanasia, on the other hand, is illegal in all 50 states.

Since Oregon implemented the first MAID law in 1997, more than 20,000 eligible individuals have received MAID prescriptions, with 12,425—just under two-thirds—going on to ingest the medication.[6] Even as public support for assisted dying increases, utilization remains low: MAID accounts for less than 1 percent of US adult deaths annually in the jurisdictions that permit it.[7]

Most MAID statutes also specify that a death carried out in compliance with the law is not considered suicide for purposes of wills, contracts, or insurance policies.[8] That legal treatment, however, applies only when statutory requirements are strictly adhered to.

Why MAID Matters (Even If You Would Never Consider It)

MAID may not be part of your plans now, and it may not be an option you would ever consider. And even if it does cross your mind, it is statistically highly unlikely that you will utilize it. But MAID should be reflected in your plans, even if it does not reflect your attitude toward dying. Think of it this way: You may never want MAID. But your estate plan still needs to tell people what you **do** want at the end of your life.

- If MAID is legal where you live, that creates one more possible end-of-life choice in the background.
- Your documents do not necessarily need to address it directly, but they should be clear enough that your family, healthcare agent, and care facility are not left guessing about your wishes.

Legal clarity concerning MAID may take on added importance if you move or split time between states, since MAID laws and requirements differ from one jurisdiction to another. It may also be worth revisiting older healthcare directives that were drafted before MAID became legal or that do not address it.

Where you receive care matters as well. Hospitals, nursing homes, assisted living communities, and other facilities may have their own policies governing MAID and other end-of-life decisions, which can affect how your wishes are honored at those facilities.

Estate Planning Implications of MAID

Your plan should address MAID whether or not you consider it a realistic option. But if it is something you have thought about, planning becomes more significant and more specific.

To keep your legal options open, or simply to take a more open-ended approach to MAID, here are the steps you should take now:

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[6] *Medical Aid-in-Dying Utilization Report*, Compassion & Choices, https://compassionandchoices.org/resource/medical-aid-in-dying-utilization-report/ (last visited Oct. 28, 2026).

[7] *Id*.

[8] *Does Using MAID Jeopardize a Life Insurance Policy?*, ElderLawAnswers (Jan. 16, 2026), https://www.elderlawanswers.com/does-using-maid-jeopardize-a-life-insurance-policy-21379.

- Talk with your healthcare agent about MAID. The person you have chosen to speak for you (i.e., your healthcare agent under a medical power of attorney) should understand your feelings about MAID and how it might fit into your end-of-life planning.
- Confirm your physician's willingness to participate. Even where MAID is legal, individual physicians may choose not to take part, so participation should not be assumed.
- Understand residency requirements. State rules differ, and where you live—or spend significant time—can affect MAID's legal availability.
- Check your life insurance policy language. State law may protect a compliant MAID death from being treated as suicide for insurance purposes, but you should still review your policy.
- Make sure your documents reflect your wishes. Your healthcare directive and other estate planning documents should say what you want, what you do not want, and who should make decisions for you if you are unable to communicate.

Conversations about MAID that start in an attorney's office may not end there. They may incorporate medical and legal advice at the state- and document-specific levels.

MAID laws are expanding, but their statutory language is usually limited to certain situations. When exploring your end-of-life options, newer choices such as MAID may also call for a new or updated estate plan that reflects your wish to die with dignity.