

## **FACTS IN SUPPORT OF A STATUTE TO PROHIBIT THE USE OF ELECTROCONVULSIVE THERAPY (ECT)**

- There are inadequate protections against the use of electroconvulsive therapy, also known as “electroshock” and “ECT” (hereinafter “ECT”). The procedure administers up to 460 volts of electricity through the brain causing a grand mal seizure.
- Adverse effects from ECT include: cardiovascular complications; including irregular heartbeat; heart attack; stroke; cognition and memory impairment [sometimes permanent]; dental or oral trauma and physical trauma; manic symptoms; prolonged seizures; worsening of psychiatric symptoms and death.<sup>1</sup>
- Based on a 0.3% death rate found with ECT administered in Texas, an estimated 300 people receiving ECT may die each year in the U.S. and 3,000 worldwide.
- Claims that ECT is safe and effective is not supported by clinical science and its use remains a theoretical practice with no conclusive mechanism determined to prove how ECT works.
- An article published in *Advances in Psychiatric Treatment* stated the “newer methods of ECT have not resulted in an appreciable decrease in adverse effects.”<sup>2</sup>
- ECT researcher, psychologist Harold Sackeim and colleagues admit that ECT may cause permanent amnesia and permanent deficits in cognitive abilities, which affect the ability to function.<sup>3</sup>
- No guarantees can be “made concerning the outcome [of ECT], as the practice of medicine and psychiatry is not an exact science,” according to the Johns Hopkins Hospital in Baltimore, Maryland, U.S.
- ECT is not a cure. There is a high failure (relapse) rate within six months of receiving ECT, requiring more electroshock that creates more damage. Called “continuation” and “maintenance ECT,” antidepressants and/or other psychotropic drugs continue to be administered—the very drugs said to have failed, “requiring” ECT.

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<sup>1</sup> <https://www.fda.gov/downloads/MedicalDevices/.../UCM478942.pdf>, p. 14

<sup>2</sup> Harold Robertson, Robin Pryor, “Memory and cognitive effects of ECT: informing and assessing patients,” *Advances in Psychiatric Treatment*, May 2006, 12 (3) 228-237; DOI: 10.1192/apt.12.3.228, <http://apt.rcpsych.org/content/12/3/228.full>

<sup>3</sup> John Breeding, Ph.D., “Electroshocking Children: Why It Should Be Stopped,” 11 Feb. 2014, <https://www.madinamerica.com/2014/02/electroshocking-children-stopped/>

- Pregnant women are electroshocked as late as their third trimester, despite adverse events that include miscarriage, premature labor, stillbirth, fetal heart problems and malformations.<sup>4</sup>
- In the U.S. children aged five and younger are electroshocked, damaging their developing brain and body. Australia, Canada, Europe, Sweden and UK also report ECT being given children/adolescents.<sup>5</sup>
- Lawsuits in Australia, the UK and U.S. alleging brain damage, memory loss and/or wrongful death have resulted in U.S. \$1.35 million (€1.2 million) in compensation.<sup>6</sup>
- A 2017 published review of more than 90 ECT studies since 2009 which showed they remain “methodologically flawed” and “Given the well-documented high risk of persistent memory dysfunction, the cost-benefit analysis for ECT remains so poor that its use cannot be scientifically, or ethically, justified.”<sup>7</sup>
- On October 19, 2018, following a lawsuit filed against it (which it settled), Somatics LLC, the manufacturer of the ECT device, the Thymatron, issued a warning of “permanent brain damage” in its new risk disclosures of October 19, 2018.<sup>8</sup>
- In 2016, a pathologist in a coroner’s inquest in the UK said that that the seizure from ECT caused irreparable brain damage in an elderly woman.<sup>9</sup>
- Any claim that ECT does not cause brain damage ignores basic electrical science as when electricity is sent through the brain, it is converted into heat, increasing the temperature. Cells can suffer dysfunction, temporary injury, permanent damage or even cell death, according to Dr. Ken Castleman, Ph.D., biomedical engineer and author of the seminal textbook *Digital Image Processing*, who has provided legal

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<sup>4</sup> Kari Ann Leiknes, *et al.* “Electroconvulsive therapy during pregnancy: a systematic review of case studies,” *Arch Womens Ment Health*, epub 24 Nov 2013.

<sup>5</sup> <https://www.cchrint.org/electroshocking-our-children/>; <http://breggin.com/ect-resources/van-Daalen-Smith-2014-ECT-children.pdf>; <http://cchr.org.au/articles/brutal-rise-in-electroshock>

<sup>6</sup> “Landmark Decision: Jury awards \$635,177 Damages for Memory Loss from Electroshock,” AARP, 8 Jul. 2005, <http://ahrp.org/landmark-decision-jury-awards-635177-damages-for-memory-loss-from-electroshock/>; “Leeds Man Awarded Half a Million,” *ECT.org*, <https://www.ect.org/news/leeds.html>; Petra Silfverskiold, “Electric shock therapy led to Sunderland patient having permanent fit,” *Daily Mail (UK)*, 10 Mar. 2016, <http://www.sunderlandecho.com/news/local/all-news/electric-shock-therapy-led-to-sunderland-patient-having-permanent-fit-1-7786233>; Max Daily, “Electric Shock Victims Win Historic Victory,” *Big Issue*, UK, 3 Oct. 1999; “The Deep Sleep Tragedy,” Public Interest Advocacy Centre, NSW, <https://www.piac.asn.au/legal-help/public-interest-cases/deep-sleep-tragedy/>

<sup>7</sup> John Read, PhD, “Is Electroconvulsive Therapy for Depression More Effective Than Placebo?” *Ethical Human Psychology and Psychiatry*, Vol. 19, No.1, 2017.

<sup>8</sup> <https://www.madinamerica.com/2018/11/ect-manufacturer-warns-permanent-brain-damage/>

<sup>9</sup> “Woman died after NHS electric shock therapy was given without consent or second opinion, A coroner has expressed concern after the death of Elsie Tindle, who was mentally ill and given the treatment as a 'last resort',” *Daily Mirror*, 11 Mar. 2016, <https://www.mirror.co.uk/news/uk-news/woman-died-after-nhs-electric-7540901>

testimony in ECT device litigation.<sup>10</sup> A second effect results from the pulsing nature of the voltage applied. “This process of alternately pulling and tugging on the cell membrane creates a jackhammer effect that can tear holes in cell walls. This process is called ‘electroporation,’ the creation of pores (holes) in the cell wall by electrical means, leading to the alteration or destruction of cell membranes,” wrote Castleman.

- In another inquest, in Australia, a coroner determined that involuntary ECT didn’t prevent but may have led to a patient’s suicide.<sup>11</sup>
- The late Dr. Loren Mosher, former chief of the Center for Studies of Schizophrenia at the U.S. National Institute of Mental Health wrote, “Within 6 months of receiving ECT, 84 percent of patients relapse. ECT is not life-saving: no decrease in suicide results from its use, and some increase in suicide may follow.” Furthermore, ECT “consists in the electrical induction of a generalized seizure. This frequently leads to an acute organic brain syndrome characterized by amnesia, apathy, and euphoria.”<sup>12</sup>
- In 2017, Australian psychiatrist, Niall McLaren wrote: “The question of whether ECT is based in a formal, articulated, publicly-available, tested model of mental disorder with proven predictive power is a no-brainer: it isn’t, because there’s no such thing... A psychiatrist who says, ‘You need ECT’ is really only saying, ‘I don’t know what else to do.’ I will repeat: No psychiatrist needs to use ECT.”<sup>13</sup>
- A July 2018 United Nations Human Rights Council report on “Mental health and human rights,” called on governments to ensure “legal provisions and policies permitting the use of coercion and forced interventions, including involuntary hospitalization and institutionalization, the use of restraints, psychosurgery, forced medication, and other forced measures aimed at correcting or fixing an actual or perceived impairment, including those allowing for consent or authorization by a third party, are repealed.” And to recognize that forced psychiatric treatment, including ECT, “as practices constituting torture or other cruel, inhuman or degrading treatment or punishment....”<sup>14</sup>

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<sup>10</sup> Ken Casselman, Ph.D., Testimony presented to the Maryland Senate Finance Committee Hearing on the SB 302: Mental Health – Electroconvulsive Therapy for Minors – Prohibition, 20 Feb. 2019

<sup>11</sup> Niall McLaren, M.D., “No Psychiatrist Needs to Use ECT,” 27 June 2017, <https://www.theage.com.au/national/victoria/grandfather-forced-to-undergo-ect-before-preventable-death-20180418-p4zacy.html>

<sup>12</sup> Loren Mosher, MD and David Cohen, PhD, “The Ethics of Electroconvulsive Therapy,” *AMA Journal of Ethics*, Oct. 2003, <https://journalofethics.ama-assn.org/article/ethics-electroconvulsive-therapy/2003-10>.

<sup>13</sup> <https://www.madinamerica.com/2017/06/no-psychiatrist-needs-use-ect/>

<sup>14</sup> “Mental health and human rights: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,” Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, Human Rights Council, 10-28 Sept. 2018, p. 14, point 46, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/232/93/PDF/G1823293.pdf?OpenElement>; (In Arabic, Chinese, English, French, Russian and Spanish)

- A February 16, 2013, UN Special Rapporteur on Torture and Other Cruel Inhuman or Degrading Treatment or Punishment report defined procedures such as electroshock without the consent of the patient as a form of torture.<sup>15</sup>
- In 2005, the World Health Organization reported: “There are no indications for the use of ECT on minors, and hence this should be prohibited through legislation.”<sup>16</sup>
- The Western Australian Mental Health Act makes it a criminal offense for any administration of ECT for those aged 14 and younger, with penalties for violating the law, including a fine and two-year imprisonment.<sup>17</sup> A psychiatric drug and electroshock treatment (“Deep Sleep Treatment”) is prohibited for all age groups in most Australian states and the Northern Territory of Australia, with criminal penalties if administered.<sup>18</sup> ECT is banned in Slovenia, Luxembourg<sup>19</sup> and Sicily in Italy.<sup>20</sup> This is the level of deterrent needed to protect children’s and people’s lives. Contrary to psychiatric thought and writings, including from organizations like the American Psychiatric Association (APA) and the U.S. Food and Drug Administration (FDA), electroshock creates brain damage. ECT causes harm and ruins lives.

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<sup>15</sup> A/HRC/22/53, "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez," United Nations, General Assembly, Human Rights Council, Twenty-second Session, Agenda Item 3, 1 Feb. 2013, p. 21, para 85,

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53\\_English.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf).

<sup>16</sup> Benedetto Saraceno, MD, “WHO RESOURCE BOOK ON MENTAL HEALTH, HUMAN RIGHTS AND LEGISLATION WHO 2005,” p. 64.

<sup>17</sup> “Electroshock therapy on under-14s banned in WA after law passes Parliament,” *ABC News*, 17 Oct. 2014, <http://www.abc.net.au/news/2014-10-17/mental-health-bill-passes-wa-parliament/5822874>

<sup>18</sup> Kim Forrester, Debra Griffiths, *Essentials of Law for Medical Practitioners*, (Churchill Livingstone Elsevier, Sydney, New York, Philadelphia, London, 2011), p. 10.

<sup>19</sup> “ECT ‘should be abolished,’ protestors rally in Cork,” *Irish Times*, 8 May 2016, <https://www.irishtimes.com/news/ireland/irish-news/ect-should-be-abolished-protesters-tell-rally-in-cork-1.2639845>; [https://www.google.com/search?q=slovenia+banned+electroshock+treatment&client=firefox-b-l&ei=yFvGW-PhNoPY\\_wT9yJ24Cw&start=10&sa=N](https://www.google.com/search?q=slovenia+banned+electroshock+treatment&client=firefox-b-l&ei=yFvGW-PhNoPY_wT9yJ24Cw&start=10&sa=N)

<sup>20</sup> “Use of Electroshock as Therapeutic Tool Forbidden in Sicily,” 1 Oct. 2013, TrapaniOK, it, <http://www.trapaniok.it/2641/Salute-trapani/vietato-l-uso-dell-elettroshock-come-strumento-terapeutico-in-sicilia#.Ux1CFM7Xlqy>

**THE STATE OF \_\_\_\_\_  
HEREBY ENACTS A STATUTE  
PROHIBITING THE USE OF ELECTROCONVULSIVE THERAPY (ECT)**

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Prohibition of Electroconvulsive Therapy Act”

**SECTION 2. DEFINITIONS:**

**"Electroconvulsive therapy":** “A procedure done under general anesthesia in which electrical currents are passed through the brain, intentionally triggering a brief seizure.”

**“Patient”:** “Any person being treated for a mental health condition.”

**“Violation”:** “A physician who administers electroconvulsive therapy shall be engaging in the unlawful practice of medicine.”

**SECTION 3: PROHIBITION OF ECT**

“(a) IN GENERAL—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce—

“(1) to perform or attempt to perform electroconvulsive therapy.

“(2) to receive an electroconvulsive therapy device with intent to perform, attempt to perform, or participate in an attempt to perform electroconvulsive therapy.

**SECTION 5: PENALTIES**

(1) **IN GENERAL:** A person commits an offense under this Act, if the person intentionally causes, conspires with another to cause or assists another to cause a person to be administered ECT.

(2) **PENALTY:** Any person or entity that is convicted of violating any provision of this section shall be fined or imprisoned not more than 10 years, or both.

(3) **RESTITUTION FINE:** Any person or entity that is convicted of violating any provision of this section shall be subject to a restitution fine to any victim. Such restitution does not supersede or preempt any civil damages action brought by any person harmed by electroconvulsive therapy.