



Date: January 23, 2023

TO: The Honorable Robb Nosse, Chair
Behavioral Health and Health Care Committee

FROM: Dean Sidelinger, Health Officer and State Epidemiologist
Office of the State Public Health Director
Public Health Division
Oregon Health Authority

SUBJECT: House Bill 2279

Chair Nosse and members of the committee; I am Dean Sideliner, Health Officer and State Epidemiologist of the Oregon Health Authority.

I am here to express OHA's support for this bill. HB 2279 amends the Oregon Death with Dignity act to remove the Oregon residency requirements for patients to receive medical aid in dying in accordance with terms of a 2022 settlement agreement.

On October 27, 1997, Oregon enacted the Death with Dignity Act, which allows terminally ill individuals to end their lives through the voluntary self-administration of lethal medications, expressly prescribed by a physician for that purpose. The Act currently provides that only Oregon residents may be prescribed medication by Oregon physicians for the purposes of ending their life under the Act.

On October 28, 2021, a lawsuit was filed against the State of Oregon in US District Court for the District of Oregon alleging that the residency requirement in the Act violates the Privileges and Immunities Clause and the Dormant Commerce Clause of the United States Constitution, because it bars Oregon health care providers from providing medical aid in dying to non-resident patients.

In a settlement agreement executed on March 28, 2022, the State agreed not to enforce the residency requirement in the Act and to submit a legislative concept that would repeal the residency requirement in ORS 127.800(11), ORS 127.805(1), ORS 127.815(1)(b), and ORS 127.860.

House Bill 2279 amends the appropriate statutes and removes the residency requirements.

Thank you for this opportunity to testify. I will be happy to be a resource to the committee.