

HB 2279 STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary

Action Date: 05/10/23
Action: Do pass.
Vote: 3-0-0-2
Yeas: 3 - Gelser Blouin, Manning Jr, Prozanski
Abs: 2 - Linthicum, Thatcher
Fiscal: No fiscal impact
Revenue: No revenue impact
Prepared By: Patricia Pascone, LPRO Analyst
Meeting Dates: 4/19, 5/10

WHAT THE MEASURE DOES:

Removes Oregon residency requirement from the Death with Dignity Act. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Physician's length of relationship with patient
- Transfer of medical records
- Lawsuit and 2022 settlement agreement terms to propose legislation
- Constitutionality of restricting health care to residents
- Statute does not specify that prescription must be taken in Oregon
- Protections for persons with depression
- Federal district court in Vermont ruled that its residency requirement is unconstitutional
- Oregon Health Authority's rules will permit health care providers to file compliance records electronically

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon enacted its Death with Dignity Act (Act) in 1997 to allow terminally ill patients who meet certain criteria to end their lives through voluntary self-administration of a lethal dose of a medication prescribed by a physician for that purpose. A qualified patient must be an adult, be a resident of Oregon, have been diagnosed with a terminal illness that will lead to death within six months, and be capable of informed decision-making and communication about health care decisions. The attending physician must request that the patient demonstrate Oregon residency. The Oregon Health Authority (OHA) reviews a sample of medical records and refers any instances of noncompliance with the Act to the applicable licensing authority.

A physician filed a lawsuit in the U.S. District Court of Oregon challenging the residency requirement as violating the United States Constitution. In a March 2022 settlement agreement, OHA, the Oregon Medical Board, and the Multnomah County District Attorney's Office agreed not to enforce the Oregon residency requirement for Death with Dignity patients. *Gideonse v. Brown, et al.*, Case No. 3:21-cv-01568-AR (D. Or., March 28, 2022). As a further settlement term, OHA agreed to submit a legislative concept for consideration in the next regular legislative session (2023), proposing removal of the Oregon residency requirement from the law.

House Bill 2279 removes the Oregon residency requirement from the Death with Dignity Act.