
LC 435: Repealing Residency Requirement in the Oregon Death with Dignity Act

Removing the Oregon residency requirement for patients to receive medical aid in dying in required by the terms of a 2022 legal settlement.

The Death With Dignity Act, Residency Requirement, and Legal Challenge

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, in part because it bars Oregon health care providers from providing medical aid in dying to non-resident patients who are otherwise eligible to receive health care.

In a settlement filed 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.

Removing Patient Residency Requirement

As outlined in the settlement, the proposed solution removes all text in the act related to the residency requirement for patients receiving medical aid in dying, including a list of factors that can be used to demonstrate Oregon residency. The proposed changes are in ORS 127.800(11), ORS 127.805(1), ORS 127.815(1)(b), and ORS 127.860. No other changes to text in the act are proposed. The revisions would not change any other requirements in the act, would not change the requirement that physicians be licensed in Oregon, nor affect Oregon residents' ability to receive care and medications related to medical aid in dying.

For more information:

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