

HB 2279 STAFF MEASURE SUMMARY

Carrier: Rep. Nosse

House Committee On Behavioral Health and Health Care

Action Date: 03/13/23

Action: Do Pass.

Vote: 7-4-0-0

Yeas: 7 - Bowman, Conrad, Dexter, Nelson, Nosse, Pham H, Tran

Nays: 4 - Diehl, Goodwin, Javadi, Morgan

Fiscal: No fiscal impact

Revenue: No revenue impact

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Meeting Dates: 1/23, 3/13

WHAT THE MEASURE DOES:

Repeals residency requirement in Oregon Death with Dignity Act. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Litigation and settlement history
- Potential liability for Oregon providers serving out-of-state residents
- Potential burden of residency requirement
- Other protections in Death with Dignity Act

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 1994, Oregon voters passed Ballot Measure 16, the Oregon Death with Dignity Act, legalizing medical assistance in dying ("physician-assisted suicide"). In 1997, the Oregon Legislative Assembly passed House Bill 2954, which referred the repeal of the Death with Dignity Act to voters in November of that year. That measure, Ballot Measure 51, was rejected by nearly 60 percent of Oregon voters. In 2006, the United States Supreme Court upheld the Death with Dignity Act in ruling that the Controlled Substances Act cannot be enforced against physicians prescribing drugs to terminally ill patients who wish to end their life (*Gonzalez v. Oregon*, 546 U.S. 243 (2006)). In 2021, a lawsuit challenged the state residency requirement of the Death with Dignity Act, claiming it violated the Privileges and Immunities and Commerce Clauses of the United States Constitution. Parties to this lawsuit settled in 2022, with an agreement not to enforce the residency requirement and for the Oregon Health Authority to submit a legislative concept to repeal the requirement in statute.

House Bill 2279 effectuates the state's legal settlement to constitutional challenges to the Death with Dignity Act by repealing the residency requirement.