

Statement on (House Bill 2279), Relating to the Oregon Death with Dignity Act
Amitai Heller, Senior Staff Attorney, Compassion & Choices
Senate Judiciary Committee
Wednesday, April 19th, 2023 | 1:00pm

Chair Prozanski and members of the Committee,

My name is Amitai Heller and I am a Senior Staff Attorney at Compassion & Choices, the nation's oldest and largest consumer based organization working to improve care and expand options and empower everyone to chart their end-of-life journey.

We advocate for legislation to improve the quality of care for terminally ill patients and affirm their right to determine their own medical treatment options as they near the end of life; and I am here today in support of HB 2279 which removes the residency restriction in Oregon's Death with Dignity Act.

In 2021, Compassion & Choices was part of a team that filed a lawsuit in federal court on behalf of Dr. Nicholas Gideonse that challenged the constitutionality of the residency restriction contained in Oregon's Death with Dignity Act. On March 28, 2022, Dr. Gideonse and the State of Oregon defendants reached a settlement in the case. I'd like to take a moment to recognize the Attorney General, Department of Health, Medical Board and Multnomah County DA who were willing to resolve the lawsuit in order to give the legislature an opportunity to make this important fix.

This legislation is necessary to ensure that all persons have access to end-of-life health care regardless of their residency. Compassion & Choices maintains that the existing residency restriction violates the United States Constitution. Dr. Gideonse agreed to waive his claim for attorneys fees as a condition of the settlement agreement, saving the state a significant amount of money. Making this legislative fix now will almost certainly save the state from costly and time-consuming litigation further down the line.

I believe it is instructive to view the legality of the residency restriction in a national context. The legal claims that we put forward in Dr. Gideonse's lawsuit are nearly identical to the arguments made by the State of Oregon in an amicus brief filed in a Texas case, which concerns peoples' ability to access reproductive health care across state lines. As you likely know, the issue of access to interstate healthcare has also come up recently in Idaho, where lawmakers have explicitly criminalized interstate travel

FINAL Amitai Heller Testimony in Support of HB 2279 (2023 legislative session, Oregon)

for abortion. Making this change is not only the right thing to do to ensure access to interstate healthcare, but it is also likely required in order for the State of Oregon to comply with the United States Constitution.

We urge your support of this critical legislation. Thank you again, Chair Prozanski and members of the Committee.