

# Medical Aid in Dying in Oregon for persons residing outside of Oregon:

## What friends and family need to know

Recently, the Oregon Health Authority, Oregon Medical Board, and the District Attorney of Multnomah County have issued directives to not enforce the residency requirement contained in the Oregon Death with Dignity Act. This decision was made as a result of a settlement agreement reached in *Gideonse v. Brown*, a lawsuit which alleged that the residency requirement was unconstitutional. As a result of this settlement, medical practitioners in Oregon may assist non-Oregon residents in obtaining medical aid-in-dying services without fear of civil or criminal repercussions from medical authorities. However, for terminally ill people, their friends and their families, many questions likely remain.

Note: It is important to recognize the difficulties of travel for terminally ill and dying individuals and the challenges of establishing a qualifying physician/patient relationship as a non-resident.

### **I would like to help someone travel to Oregon to access medical aid in dying. What are my legal risks?**

- Whether you are at risk of civil and criminal liability for assisting a qualified individual to obtain medical aid-in-dying services in Oregon depends on a variety of factors such as the laws of your state, the laws of the state from which the qualified individual is traveling, and the facts surrounding the assistance provided. For example, some states have criminal laws against assisting a suicide that may apply to you.
- The Oregon Death With Dignity law provides protections for actions taken in Oregon. An individual's choice of where to ingest the medication significantly impacts the risk of civil or criminal liability for themselves, people providing logistical or financial support for these individuals (i.e. family or friends), and their medical providers. In essence, most people will fall into one of three categories:
  1. non-residents who complete all aspects of qualifying for medical aid in dying in Oregon;
  2. non-residents from states where medical aid in dying is authorized (like Washington or California) who meet Oregon's statutory requirements, but choose to self-ingest in their home state; and

3. non-residents from states where medical aid in dying is not authorized who would seek to self-ingest in their home state

For the first group, there is no legal risk. These patients would also no longer need to worry about or deal with formally obtaining resident status through acts like obtaining a driver's license, establishing residence, etc.

For the second group, any risk of legal action due to self-ingestion in their home state would be exceedingly low. The medical aid-in-dying requirements in most authorized states are so similar that any type of liability is unlikely.

There is significantly more risk for the third group. Self-ingestion in Oregon is required to fall within the protection provided by the settlement agreement. This is because the State of Oregon does not have the authority to settle legal claims that regulate conduct outside of its jurisdiction.

- Whether any specific action, or inaction, may put you at risk for civil or criminal liability will require specific legal analysis by an attorney licensed in your state.
- If you reside in a state where medical aid in dying has not been authorized (or has been specifically criminalized), we urge you to consult an attorney prior to taking any action, to determine whether you are at risk of criminal or civil liability in your state. Compassion & Choices' legal team may also be able to assist. Please contact us [here](#).

## **I would like to help someone who is not an Oregon resident obtain medical aid in dying services under the Oregon law. What are my legal risks?**

- Whether you are at risk of civil and criminal liability for assisting a qualified individual to obtain medical aid-in-dying services in Oregon depends on a variety of factors such as the laws of your state, the laws of the state from which the qualified individual is traveling, and the facts surrounding the assistance provided. For example, some states have criminal laws against assisting a suicide that may apply to you.
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## **Additional Resources**

- [Understanding Medical Aid in Dying](#)