

FACTSHEET 18: Oregon's Doctor Assisted Dying Law

In November 1994 an Oregon Citizens' Initiated Referendum on whether to legalise medically assisted dying under prescribed circumstances was narrowly won 51% to 49%. Oregon became the first government in the USA and the world to allow medically assisted dying as a clear legal option for the terminally ill. The Oregon Death with Dignity (DWD) Act includes the following provisions:

- Allows an attending doctor to prescribe medication to end life in a humane and dignified manner under prescribed conditions;
- The medication is for self-administration but the doctor is allowed to be present;
- Requires a fully informed, voluntary decision by the patient;
- Applies to the terminally ill with a prognosis of less than 6 months to live;
- Requires a concurring second medical opinion;
- Requires two oral requests with a 15 day waiting period from the first;
- Requires a witnessed written request with a 48 hour waiting period from time of signing;
- Allows cancellation of the request at any time;
- Provides for penalties in the event of coercion of patients;
- Provides for counselling as appropriate;
- Promotes informing next of kin at patient's discretion;
- Requires documentation and reporting to a monitoring authority.

The Act does not authorise the doctor to administer the medication. Oregon's new law was due to come into effect on 8 December 1994 but was blocked by an appeal to the District Court from a National Right to Life Committee. The appeal claimed that the new law was unconstitutional and that vulnerable people could be disadvantaged. On 26 June 1997, in another context, the US Supreme Court ruled that there is no right to medically assisted dying under the US Constitution but that it is the jurisdiction of individual States. The Oregon Government put the issue again to the people of Oregon in November 1997 with 60% to 40% voting for the Act to stand. The Oregon Government issues an annual report on the DWD Act, with the 14th published.

Summary of the 16th report of the Oregon Death with Dignity Act (for 2013)

- *During 2013 122 people obtained prescriptions for lethal medications (compared with 116 in 2012). There were 71 known DWD deaths during 2013; corresponding to 21.9 per 10,000 total deaths.*
- *Of the 71 deaths during 2013, most (69.0%) were aged 65 years or older; the median age was 71 years (42 years – 96 years).*
- *As in previous years, most were white (94.4%), well-educated (53.5% had a least a baccalaureate degree), and had cancer (64.8%).*
- *In 2013, fewer patients had cancer (64.8%) compared to previous years (80.4%), and more patients had chronic lower respiratory disease (9.9%), and other underlying illnesses (16.9%).*
- *Most (97.2%) DWDA patients died at home, and most (85.7%) had been enrolled in hospice care.*
- *Most (96.7%) had some form of health care insurance.*
- *As in previous years, the three most frequently mentioned end-of-life concerns were: loss of autonomy (93.0%), decreasing ability to participate in activities that made life enjoyable (88.7%), and loss of dignity (73.2%).*
- *Two of the 71 patients who died during 2013 were referred for formal psychiatric or psychological evaluation.*
- *Sixty-two (62) physicians wrote the 122 prescriptions provided during 2013 (range 1-10 prescriptions per physician).*
- *During 2013, no referrals were made to the Oregon Medical Board for failure to comply with DWDA requirements.*

Further details and archived annual reports are available on the Oregon Public Health Division web site: <http://www.oregon.gov/DHS/ph/pas/ar-index.shtml>