

# 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 worrying about 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 while terminally ill and dying 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?**

- The Oregon Medical aid in Dying law offers protection from criminal and civil liability for those who follow its procedures within Oregon's state boundaries. These protections may not be effective outside Oregon's state boundaries.
- 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.
- 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?**

- The Oregon law offers protection from criminal and civil liability within Oregon's state boundaries. These protections may not apply outside Oregon.
- 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, it is possible that prosecutors in your state may attempt to apply the state's assisted suicide statute or other laws relating to causing another person's death to the practice of medical aid in dying.
- 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 is not authorized (or has been specifically criminalized) we urge you to consult with an attorney 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](#).
- If you reside in a state where medical aid in dying is authorized and still wish to travel to Oregon and access medical aid in dying, there is likely less risk of civil and criminal liability, but there still may be some associated risk.

- We recommend that you consult with an attorney to determine whether you or anyone connected to you is at risk of criminal or civil liability in your state. Compassion & Choices' legal team may also be able to assist. Please contact us [here](#).

## **Additional Resources**

- [Understanding Medical Aid in Dying](#)