

Death with Dignity Act History

The Oregon Death with Dignity Act (DWDA) was a citizen's initiative first passed by Oregon voters in November 1994 with 51% in favor. Implementation was delayed by a legal injunction, but after proceedings that included a petition denied by the United States Supreme Court, the Ninth Circuit Court of Appeals lifted the injunction on October 27, 1997. In November 1997, a measure asking Oregon voters to repeal the Death with Dignity Act was placed on the general election ballot (Measure 51, authorized by Oregon House Bill 2954). Voters rejected this measure by a margin of 60% to 40%, retaining the Death with Dignity Act. After voters reaffirmed the DWDA in 1997, Oregon became the only state allowing this practice.

Although DWDA has been legal in Oregon for eight years, it remains highly controversial. On November 6, 2001, U.S. Attorney General John Ashcroft issued a new interpretation of the Controlled Substances Act, which would prohibit doctors from prescribing controlled substances for use under the DWDA. To date, all the medications prescribed under the Act have been barbiturates, which are controlled substances and, therefore, would be prohibited by this ruling. In response to a lawsuit filed by the State of Oregon on November 20, 2001, a U.S. district court issued a temporary restraining order against Ashcroft's ruling pending a new hearing. On April 17, 2002, U.S. District Court Judge Robert Jones upheld the Death with Dignity Act. On September 23, 2002, Attorney General Ashcroft filed an appeal, asking the Ninth U.S. Circuit Court of Appeals to overturn the District Court's ruling. The appeal was denied on May 26, 2004 by a three-judge panel. On July 13, 2004, Ashcroft filed an appeal requesting that the Court rehear his previous motion with an 11-judge panel; on August 13, 2004, the Court declined to rehear the case. On November 9, 2004, Ashcroft asked the U.S. Supreme Court to review the Ninth Circuit's decision. On October 5, 2005, the Supreme Court heard arguments in the case, and on January 17, 2006 it affirmed the lower court's decision. At this time, Oregon's Death with Dignity Act remains in effect.