



Timeline: Oregon Death with Dignity Act

Since 1994, the Death with Dignity National Center has successfully empowered patients by writing, passing, defending and promoting the nation's first law protecting the right of persons with terminal illness to control their own deaths.

1994 On November 16, Oregon voters approved Measure 16, the Oregon Death with Dignity Act (ODWDA), which permits persons who are terminally ill to obtain a prescription to hasten death, in consultation with their physician and under strict safeguards.

In December, U.S. District Court Judge Michael R. Hogan placed a temporary injunction on the implementation of ODWDA.

1995 In August, District Judge Hogan made the injunction permanent, ruling that ODWDA violates the U.S. Constitution's Equal Protection clause. The ruling was immediately appealed to the U.S. Circuit Court of Appeals.

1997 In February, a three-judge panel of the Circuit Appeals Court dismissed the District Court's challenge to Oregon's Death with Dignity law.

While the U.S. Supreme Court ruled in *Vacco v. Quill* and *Washington v. Glucksberg* that assisted suicide was not a Constitutional right, the Court indicated that individual states were free to legalize physician-assisted suicide.

The Oregon House and Senate vote to return Measure 16 to the voters for repeal (Measure 51). No such attempt to overturn the will of the voters had been tried in Oregon since 1908.

In a November 4 special election, the people of Oregon voted by a margin of 60 percent to 40 percent against Measure 51, which would have repealed the Oregon Death with Dignity Act.

November 5, U.S. Senator Hatch (R-UT) and U.S. Representative Hyde (R-IL) asked the U.S. Drug Enforcement Administration to rule on how the federal law can be used to penalize doctors who prescribe federally controlled drugs for patients to commit suicide. In December the DEA issued a ruling saying that they could investigate doctors who practice under Oregon's new law.

1998 April 2, 1998 — U.S. Attorney General Janet Reno reversed the DEA position, saying federal law does not prohibit Oregon doctors from participating in assisted suicide.

1998 Opponents to Oregon's Death with Dignity law introduced the Lethal Drug Abuse Prevention Act in Congress to attempt to overturn the Oregon law. The bill received hearings but was never voted on by the House or Senate, being withdrawn at the last minute. Senator Don Nickles (R-OK) attempted to amend an Omnibus Spending Bill that would have nullified Oregon's law but Senator Ron Wyden (D-OR) threatened to filibuster the spending bill and Senator Nickles

withdrew his plan as the session came to a close. Editorials across the country deplored the Congressional attempts to overturn the will of Oregon voters.

1999 The U.S. House of Representatives passed the Pain Relief Promotion Act, which prohibits physicians from prescribing medications as allowed by the Oregon Death with Dignity Act. The bill failed to reach the Senate floor for a vote.

2001 On November 6, U.S. Attorney General John Ashcroft attempted to block ODWDA by authorizing federal drug agents to prosecute doctors who prescribe federally controlled drugs to help terminally ill patients die. Two days later, U.S. District Court Judge Robert Jones issued an injunction against the Attorney General's order until April 2002, when arguments would be heard.

2002 On April 17, Judge Robert Jones rules that the U.S. Justice Department lacks the authority to overturn an Oregon law allowing physician-assisted deaths. On September 23, Attorney General Ashcroft files an appeal with the U.S. 9th Circuit Court of Appeals.

2003 Oral arguments were heard in the Ninth Circuit Court of Appeals in *Oregon v. Ashcroft*.

2004 On May 26, a three-judge panel of the Court of Appeals ruled in favor of ODWDA. The Justice Department appealed the decision to the U.S. Supreme Court.

2005 On October 5, the Supreme Court will hear the *Gonzales v. Oregon* case, in which U.S. Attorney General Alberto Gonzales will argue that the Oregon Death with Dignity Act violates the Controlled Substances Act.

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