

Death with Dignity: Two Decades of Progress in the US

Our Executive Director Peg Sandeen recently spoke at an event organized by the Glasgow, Scotland-based organization Friends At The End (FATE), which promotes knowledge about end-of-life choices. This is the transcript of her presentation.

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Twenty-one years ago this month, the people of Oregon voted to enact the groundbreaking Death with Dignity law—the first of its kind in the world. The law allows terminally ill, mentally competent adults who are residents of the state to request and receive a physician-prescribed medication to hasten death following many safeguarded steps.

While the Swiss had long allowed assisted dying, the Oregon provision was different in that it spelled out all the steps a patient, physician, and pharmacist had to follow in order for the patient to qualify to participate and receive a prescription. The Oregon law codified a medical standard of care, mandating a standard procedure for physicians faced with a request for a hastened death.

Under Oregon's law, and others like it, patients must submit written and oral requests separated by two different waiting periods, receive confirmation of diagnosis, prognosis and mental competence by two doctors. Every step of the process is in the hands of the patient, and there is criminal prosecution for those who interfere with or coerce the patient. Among all the laws in the world permitting assisted dying, Oregon's remains the most conservative.

Challenges and Successes of the Oregon Death with Dignity Act

During the first decade after passage, the Oregon law faced repeated challenges, including two rounds in federal court and multiple attempts, by both the Oregon legislature and the US Congress, to nullify it. All efforts at scuttling Oregon's model legislation have failed. While opponents were loudly trying to dismantle the law using any political or legal avenue available to them, year after year of data from the Oregon Health Authority demonstrated the law was working as intended. After the first 12 years of implementation, all of the legal challenges to Oregon's law were settled in favor of the Death with Dignity legislation, and more than a decade of data demonstrated the law was fully established.

During the second decade of implementation, a few states attempted policy reform with two other states—Washington in 2008 and Vermont in 2013—successfully adopting Death with Dignity legislation. These victories represented hard-fought political battles.

The State of Oregon issues annual reports to the people about how Death with Dignity is used in the state. From this information, we know that the practice is rarely used, with fewer than 1,400 individuals hastening their deaths over 17 years in Oregon. Roughly one-third of people who are obtain the medication do not do so, but rather go on to die from their underlying disease knowing that they had the option until the very end. Approximately 90% are enrolled in hospice, debunking the idea that palliative care and Death with Dignity are mutually exclusive. Rather, they go hand-in-hand as two compatible end-of-life care options.

The Movement's Third Decade

Today, we are at the very beginning of the third decade of the Death with Dignity movement's history, and a fresh face has launched into the public debate. Brittany Maynard, a young woman diagnosed with a devastating brain cancer, was forced to uproot her family in California to move to Oregon so she could end her life in a humane and dignified

manner. Ms. Maynard dedicated the last few months of her life to two important tasks: spending quality time with her family and advocating for Death with Dignity policy reform around the country.

Her story was compelling and heartbreaking, and Americans rallied around her cause. Public support, as measured by the Gallup Poll, soared to 70%. The number of states attempting policy reform jumped from one or two per year to 25, and the state of California passed legislation based on Oregon's model law. The number of Americans covered under Death with Dignity legislation jumped from 10M to 50M. One in six Americans now lives in a state where a humane and dignified death is possible for qualified individuals.

The future looks positive for the Death with Dignity movement. This year, Canada made the practice legal for all of its citizens, and major states like New York and Massachusetts are preparing for substantial policy reform efforts.

The time for Death with Dignity to be the law of the land has come. Terminally ill individuals deserve the best quality care and treatment available to them, and if they so choose, they deserve a humane and compassionate death as well.

Image by [Jeremy Piehler](#).

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