

Medical Aid in Dying in Oregon and Vermont for persons residing outside of the state:



What patients need to know

In 2023, both Oregon and Vermont passed laws removing the residency restrictions from their medical aid-in-dying laws. The Oregon and Vermont legislatures passed these laws in response to settlement agreements reached in *Gideonse v. Brown* (Oregon) and *Bluestein v. Scott* (Vermont), two lawsuits brought by Compassion & Choices challenging the states' residency restrictions.

As a result of these settlements and changes in law, medical practitioners in Oregon and Vermont may assist non-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.

The following information is intended for out-of-state individuals seeking medical aid in dying in either Oregon or Vermont. The information is not intended for anyone seeking medical aid in dying in any other authorized jurisdiction besides Oregon and Vermont.

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 am not a resident but would like to access medical aid in dying. How should I go about doing this?

- Even though residency is no longer a requirement, you must still meet all of the other statutory requirements in the state in which you are seeking care.
- You must:
 - Be an adult (18 years or older);
 - Be mentally capable;
 - Have a terminal illness with a prognosis of six months or less to live; and
 - Self-ingest the prescribed medication
- You must find a doctor licensed in the state willing to accept you as a patient.
- The doctor must be physically located and currently practicing in the state. It is not sufficient for your doctor to maintain a license to practice in the state but not be located in or practicing there.
- Not all healthcare providers and healthcare systems support medical aid in dying, and there is no requirement that providers qualify a patient or practice medical aid-in-dying. It is important that you explicitly ask any potential provider about whether they would support a request for medical aid in dying

and assess your eligibility before you start the process of transferring care to the doctor.

- You may call Compassion & Choices End-of-Life Consultation services to discuss this process in more depth at any time. Knowledgeable staff can be reached at 1-800-247-7421.

Medical aid in dying is not authorized in my state of residency. What legal risks may I face from my home state if I travel to obtain medical aid in dying?

- A state's medical aid-in-dying law only offers protection from criminal and civil liability within state boundaries. The state's legal protections generally do not extend outside state boundaries.
- In order to maintain the full protections granted by the state's law, Compassion & Choices advises that you go through the entire process, including any intake appointments with potential attending physicians and self-ingesting the medication while physically located in the state.
- If any part of the medical aid-in-dying process occurs in a jurisdiction outside of the state, including doctor visits (in person or telehealth) or any oral or written request, the state's protections may not apply. You, the physician

and others may face civil or criminal penalties in that jurisdiction.

- If you reside in a jurisdiction where medical aid in dying is not authorized, consult with an attorney to determine whether you or anyone connected to you may be at risk of criminal or civil liability in your state. Compassion & Choices' legal team may also be able to assist. Please contact us [here](#).

Medical aid in dying is not authorized in my state of residency. What legal risks do my friends and family face from my home state if they help me travel to obtain medical aid in dying?

- State law and specific facts about assistance provided determine whether friends, family members, or other persons who travel with you or otherwise assist you with medical aid in dying are at risk of civil and criminal liability in your state of residence. For example, some states have criminal laws against assisting a suicide and these laws may apply to people who help you travel to a state for medical aid in dying.
- Whether any specific action or inaction may put friends and loved ones 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, consult with an attorney to determine whether you or anyone connected to you may be at risk of criminal or civil liability in your state. C&C's legal team may also be able to assist. Please contact us [here](#).

If I die by ingesting aid-in-dying medication, will it impact my will or any of my contracts or insurance policies?

- Medical aid-in-dying laws stipulate that use of medical aid in dying shall have no effect on a person's will, contracts, or insurance policies. Whether this protection applies in a person's home state may depend on many factors.
- Potential risks in any non-authorized state may be minimized by completing the entire medical aid-in-dying process within the authorized state.
- If you reside in a state where medical aid in dying is not authorized, we urge you to consult with an attorney to determine the effect that death by aid in dying medication might have on your will or any other contract.
- If you reside in a state where medical aid in dying is not

authorized, we urge you to speak to your individual insurance provider to determine whether death by aid-in-dying medication might impact your insurance policy.

Medical aid in dying is authorized in my state of residence, but I still wish to travel to a state without a residency restriction to access the law. What legal risks do I face if I travel to obtain medical aid in dying?

- A state’s medical aid-in-dying law offers protection from criminal and civil liability within that state’s boundaries. A state’s protections do not generally extend outside state boundaries.
- If you reside in a jurisdiction where medical aid in dying is authorized and still wish to travel to a state without a residency restriction to access medical aid in dying, there is likely very little risk of civil and criminal liability, but your risk increases if you travel through one or more states where medical aid in dying is not authorized to reach the state.
- 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.](#)

Where can I ingest medical aid in dying medication?

- Medical aid-in-dying laws advise patients against ingesting aid-in-dying medication in a public place. The term “public place” generally covers all spaces open to the public, and includes recreational parks. It does not include healthcare facilities where end-of-life care services are provided.
- If you have questions about what is and is not a “public place” under a specific state’s law please contact us at 1-800-247-7421.

For any additional questions related to the Oregon process, please see [the Oregon informational packet.](#)

Additional Resources

- [Understanding Medical Aid in Dying](#)