

Comparison of Key Features of Statutes: Oregon, Washington, Vermont, and California:

Feature	OR	WA	VT*	CA**
<p>*All provisions indicated by ✓ or ✕ are present in the VT Act; however, those indicated by ✕ were set to sunset in 2016, until a bill passed by the VT legislature in 2015 extended them.</p> <p>**Based on version ABX2-15, introduced in CA special legislative session 8/17/15, amended 9/3/15.</p> <p>Amendments include sunset provision for entire law on Jan 1, 2026.</p>				
Eligibility	<p>Requesting individual must</p> <ul style="list-style-type: none"> • Be 18 years old + • Be resident of state (no specific time period stated) • Be capable of decision making • Voluntarily express wish to die • Have a terminal diagnosis (dx) (defined as disease that will likely end life within 6 mos.) 	<ul style="list-style-type: none"> ✓ ✓ ✓ "competent" ✓ ✓ ✓ ✓ Pt "may self-administer meds" 	<ul style="list-style-type: none"> ✕ ✕ ✓ "capable" ✕ ✓ ✕ • under care of a physician ✓ Self-administration of the drugs is specifically stated as an assumed part of the process, but is not explicitly required ("medications to be self-administered . . .") 	<ul style="list-style-type: none"> ✓ ✓ ✓ has "capacity to make medical decisions" ✓ ✓ ✓ Pt "may choose to self-administer" meds • Has physical and mental capacity to self-administer
Form of request	<ul style="list-style-type: none"> • Oral and written requests required • Written request must be signed/dated, 2 witnesses (see next section) • Second oral request must be made to attending no <15 days after initial oral request • Physician cannot write prescription until at least 15 days after initial oral request and no less than 48 hours after written request 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✕ Oral, in presence of phys ✕ ✕ (in presence of phys) ✕ No less than 48 hrs after last of 2nd oral request, written request, or offer of oppty to rescind 	<ul style="list-style-type: none"> ✓ directly to attd physician ✓ directly to attd physician ✓ directly to attd physician

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Witness requirements	<ul style="list-style-type: none"> • 2 adults (know pt or pt has provided ID) • 1 witness may NOT be: <ul style="list-style-type: none"> ◦ Related to pt by blood, marriage, adoption ◦ Heir ◦ Owner/operator of facility where pt treated • Attd physician may not witness • If pt in nursing facility, 1 witness must be person designated by facility • Witnesses attest that pt is capable, acting voluntarily, not being coerced to sign 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ Neither can be related to pt by blood, marriage, civil union, or adoption; physician providing care ✓ Witnesses attest that pt seems to understand the document, not under any duress or undue influence 	<ul style="list-style-type: none"> • Requirement that prof'l interpreter be provided for pt to facilitate requests and informed decision making ✓ ✓ Only 1 witness MAY be ✓ + reg domestic ptrnshp ✓ ✓ + or be employed at ✓ ✓ Voluntarily signed request; believe to be of sound mind and not under duress, fraud, or undue influence
Attending physician responsibility	<ul style="list-style-type: none"> • Determination of terminal dx • Confirm residency in state of patient (pt) • Determination that pt. "capable" • Inform pt of <ul style="list-style-type: none"> ◦ Dx & prognosis ◦ Risks & probable result of lethal medication ◦ Alternatives including comfort care, hospice care, pain control 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✕ ✓ does not have impaired judgment ✓ ✕ ✓ ✓, inc. ✕ Range of tx avail for terminal dx 	<ul style="list-style-type: none"> ✓ ✓ ✓ has "capacity to make medical decisions" and has made voluntary request and is acting w/o undue influence ✓ ✓ ✓ ✓

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				<ul style="list-style-type: none"> • Possibility that pt may obtain meds but not take them ✓ ✓ if indications of mental disorder ✓ ✓ • Counsel pt as to importance of enrolling in hospice, storing meds safely ✓ • Give pt final attestation form to be completed and signed within 48 hours of self-administering drug ✓ • Attd physician, consulting physician, and mental health providers may not be related to the patient by blood, marriage, registered domestic partnership, or adoption, or be entitled to a portion of the individual's estate upon death.
	<ul style="list-style-type: none"> • Refer to 2nd physician for confirmation • Refer to counseling if appropriate • Fulfil reporting and documentation requirements • Recommend to pt that family be notified of request • Offer pt oppty to rescind at 2nd oral request • Dispense meds directly or, with pt's written permission, via pharmacist to pt or designated agent • Sign death certificate 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓, showing underlying disease as COD 	<ul style="list-style-type: none"> ✕ ✕ if judgment impaired ✕ ✕ ✕ NOTE: VT Act does not specify "attending" physician but does require that the patient and physician have a "bona-fide physician-patient relationship" 	

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Consulting physician responsibility	<ul style="list-style-type: none"> • Examine pt and medical records • Confirm, in writing, attending's dx • Verify pt is "capable" and acting voluntarily • Refer to counseling if appropriate 	✓ ✓ ✓ "competent" ✓	✕ ✕ ("in writing" not required) ✕ ✕ If applicable, consult with pt's PCP	✓ ✓ ✓ has "capacity" ✓
Process	<ul style="list-style-type: none"> • No prescription to be filled if psychiatric or psychological illness present • No prescription to be filled if patient has not made a voluntary and informed decision • Pt may rescind request at any point 	✓ ✓ ✓		✓ if pt does not have capacity or if mental disorder impairing judgment ✓ ✓ regardless of mental state
Documentation requirements	<ul style="list-style-type: none"> • Physician must document in pt's medical record: <ul style="list-style-type: none"> ○ All oral and written requests by pt ○ Dx, prognosis, verification that pt is "capable" by attending and consulting phys ○ Report of outcome of counseling, if performed ○ Offer to pt to rescind ○ Note by attending that all requirements have been met and medication prescribed. 	✓ ✓ "competent" ✓ ✓ ✓	✕ Date, time & wording of all oral requests and all written requests ✕ + pt does not have impaired judgment or was referred for psych evaluation ✕ ✕ Date, time & wording of offer of oppty to rescind ✕	✓ ✓ has "capacity" ✓ ✓ ✓ • Final attestation form, signed by pt, returned to attd phys by other HCP, family member or

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		<p>✓all records exempt from disclosure</p>	<p>✕ File report with VT DOH</p> <p>✕ Attestation that pt enrolled in hospice or informed of EOL services</p>	<p>representative for inclusion in medical record ✓Submit all records w/i 30 days of writing prescript and of pt's death to DPH; all records may not be disclosed, subject to discovery, or produced in any civil, criminal, administrative, or other proceeding</p>
<p>Regulatory follow-up and public reporting requirements</p>	<ul style="list-style-type: none"> • Dept of Human Services to conduct sample review of records • Shall require copy of dispensing record • Adopt rules to facilitate collection of information regarding compliance • Generate and make public annual statistical report of information collected 	<p>✓Annual review of all records</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>✓Adopt rules for safe disposal of unused meds</p>	<p>✓DPH collect all and review a sample of records submitted</p> <p>✓</p>
<p>Immunities</p>	<ul style="list-style-type: none"> • Any person immune from any civil or criminal prosecution • HCPs also immune from disciplinary action, revocation of licenses or privileges for prescribing lethal prescription under terms of the law 	<p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p>	<p>✓... solely for being present when pt ingests meds; may be prosecuted if person assists pt to ingest meds</p> <p>✓</p>

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<p>Liabilities</p>	<ul style="list-style-type: none"> • Forging prescription or concealing/ destroying rescission of request Class A felony • Coercion into request or to destroy rescission Class A felony 	<ul style="list-style-type: none"> ✓ ✓ 		<ul style="list-style-type: none"> ✓ ✓

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				<p>✓ Felony to administer drug to individual w/o their knowledge or consent</p>