

**HOUSE COMMITTEE ON JUDICIARY**

**April 29, 1997 Hearing Room 357**

**3:00 PM Tapes 25 - 26**

**MEMBERS PRESENT:**

**Rep. JOHN MINNIS, Chair**

**Rep. FLOYD PROZANSKI, Vice-Chair**

**Rep. ROGER BEYER**

**Rep. JO ANN BOWMAN**

**Rep. PETER COURTNEY**

**Rep. GEORGE EIGHMEY**

**Rep. LANE SHETTERLY**

**Rep. CHARLES STARR**

**Rep. RON SUNSERI**

**Rep. JUDY UHERBELAU**

**Rep. LARRY WELLS**

**STAFF PRESENT:**

**BILL TAYLOR, Counsel**

**SCOTT LUMSDEN, Counsel**

**BRIAN HIGGINS, Administrative Support**

**MEASURE/ISSUES HEARD:**

**HB 3703 - Work Session**

**HB 2649 - Work Session**

**HB 2954 - Work Session**

**These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.**

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Tape/#	Speaker	Comments
<b>TAPE 25, A</b>		
003	Chair Minnis	Calls committee to order at 3:15 p.m.
<b><u>HB 3703 - WORK SESSION</u></b>		
005	Rep. Sunseri	<b>MOTION: Moves HB 3703 BACK to the subcommittee on Family Law.</b>
		<b>VOTE: 11- 0 - 0</b>
010	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b>
<b><u>HB 2649 - WORK SESSION</u></b>		
013	Scott Lumsden	Committee Counsel Discusses provisions of HB 2649 and the -6 amendments to the bill ( <b>EXHIBIT A</b> ).
021	Rep. Sunseri	<b>MOTION: Moves HB 2649 to the floor with a DO PASS AS AMENDED recommendation.</b>
023	Rep. Uherbelau	Was there any discussion, in committee, about a similar bill from last session?
027	Chair Minnis	Yes. I think this amendment was drafted to address problems from last session.
034	Rep. Uherbelau	I don't remember the language of the last one, but I know there was a long discussion that, if we had county to county ordinances, regulating firearms, it would make it difficult for hunters, and as hunters moved from county to county, they would have to know the difference in regulations.
050	Rep. Shetterly	When this was presented to us with the -6 amendments, it seems as if everyone's concerns were satisfied by them. Discusses reference on line six of the -6 amendments.
062	Rep. Uherbelau	Would Rod Harder come forward and assure me that the hunting community has no problem with this?

068	Chair Minnis	The amendment is to undo damage that was done last session to a pre-existing ordinance.
071	Rep. Beyer	It would raise my comfort level if Rod Harder would step to the microphone and say that he likes this bill.
074	Rod Harder	National Rifle Association We do not oppose the amendments. We narrowed it down quite a bit; it does not address hunting.
<b>090</b>		<b>VOTE: 11 - 0 - 0</b>
<b>096</b>	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b> <b>REP. LUKE will lead discussion on the floor.</b>
<b><u>HB 2954 - WORK SESSION</u></b>		
108	Dr. Charles Hofmann	Doctor, Baker City, Oregon and President of the Oregon Medical Association (OMA) I am not an expert on physician-assisted suicide. Discusses the Oregon Medical Association's House of Delegates' Actions. Submits and summarizes written testimony ( <b>EXHIBIT B</b> ).
158	Dr. Hofmann	Continues testimony.
200	Chair Minnis	Your testimony recognizes a patient's legitimate autonomy at the end of their life.
208	Dr. Hofmann	Physicians are deeply split on this issue. Society has voted that individuals have the right to control their end-of-life destiny. Our membership recognizes that. We are split on whether they have that right, but we do acknowledge that people believe they do.
220	Rep. Eighmey	As I read the articles and the statements that were made, there was some discussion about ways to make it easier to implement. What provisions of Measure 16 did you discuss that would make it more acceptable for implementation?
240	Dr. Hofmann	The two areas of the greatest focus related to the 25 percent failure rate of oral medication, and the other was the psychiatrists' concerns. We did not go into debate about how to address those issues.
253	Rep. Eighmey	I assumed the risks I had to take when I had surgery. When you mention the failure rate, I assume you know that it means that this indicates the suicide was not completed within three hours. Did you receive testimony about this "failure rate?"
290	Dr. Hofmann	That testimony was not heard.
		Would that change if I told you we have implementing legislation that

292	Rep. Eighmey	would add a provision to include that the patient was informed of the failure rate and that they accept the risk.
304	Dr. Hofmann	To answer that requires my own personal opinion, not the OMA's. The most specific thing that occurred during the debate was that opponents of Measure 16 did not refute that evidence. My own opinion would be that, within the context of informed consent, I can't answer that. The best thing I could say, is "perhaps."
336	Chair Minnis	I now have about fifteen questions.
347	Rep. Eighmey	Did the organization ask to have anyone come forward to advise OMA on this issue? Wouldn't it have been prudent to make sure you were informed?
362	Dr. Hofmann	It is my belief that the people before us were experts. Our House of Delegates makes public policy; it is not a research arm. The experts did not testify on that issue.
381	Rep. Sunseri	You mentioned psychiatrists concerns about ethics charges. Is this not also true with physicians?
385	Dr. Hofmann	Not all associations require members to adhere to a specific code of ethics. The psychiatrists' state and national organizations do.
402	Rep. Sunseri	We heard testimony that ethics violations can be filed.
407	Dr. Hofmann	That is correct.
409	Rep. Sunseri	I believe the vote was 122 to one, this time, in opposition to Measure 16. What was the vote in 1994?
414	Dr. Hofmann	With all due respect to Mr. O'Keeffe, I do not remember a vote of 122 to one. We vote by voice. Clearly, a majority of the delegates voted to oppose Measure 16. In 1994, the vote was to establish neutrality on physician-assisted suicide and Measure 16. My opinion is that the votes were similar.
435	Rep. Uherbelau	In the last few days, I've received more contact from doctors than I ever have. Two contacts mentioned that the state should not be involved in these decisions. Already, these decisions are being worked out between patients, doctors, and families. I was wondering if the House of Delegates discussed this.
461	Dr. Hofmann	I assure you that discussion took place among all delegates, but not on the floor of the House of Delegates.
<b>TAPE 26, A</b>		
019	Rep. Bowman	Measure 16 is currently the law, even with the court's stay. Is the OMA saying that, if the stay is lifted, you will not comply with the law of the land?
026	Dr.	If Measure 16 would be implemented, we would work to create language to

	Hofmann	correct the deficiencies in the measure.
031	Rep. Bowman	We have not seen your organization stepping up to the plate to help us devise language to make Measure 16 implementable. It sounds like you organization wants it both ways.
041	Dr. Hofmann	What has changed is that the Executive Committee of the OMA has been redirected by its policy-making body. Up until last weekend, we had a mandate of neutrality. I think that accounts for the confusion.
048	Rep. Sunseri	How would you correct a 25 percent failure rate?
049	Dr. Hofmann	I can only speculate. I don't know where this is going to go. If the Executive Committee directed the association to do what you ask, we would address that issue. I am not an expert, but I know who the experts are. It would be my responsibility to sit them down to look at how it could be accomplished. I recognize that my position requires leadership, and I intend to deliver that.
065	Rep. Courtney	The most gripping part of your testimony is on the bottom of page two. We heard, from a lot of doctors, that this was a wake-up call to the medical community. Let's assume that HB 2954 is successful in repealing this. Do you think there is still a need for legislation to give direction to the medical association on how to proceed?
089	Dr. Hofmann	Without speaking out of line for the organization and its members, I can only make it perfectly clear that, no matter how well our members provide end-of-life care, there will always be those who want physician-assisted suicide.
101	Rep. Courtney	Do you believe that all state legislatures and medical associations will have to deal with this at some point?
107	Chair Minnis	Almost all states have had physician-assisted suicide legislation introduced.
114	Rep. Courtney	I didn't know that.
119	Chair Minnis	I appreciate you coming in because I've talked to the Governor, who is a physician, and he advised me on the complexity of this issue. Does the OMA, currently, hold a position on HB 2954?
127	Dr. Hofmann	There is no official position.
133	Rep. Eighmey	We, as a deliberative body, should take into serious consideration that the failure to address the issues the OMA has brought up is not their failure, but ours. It should be our number one responsibility to address those issues before we move to repeal a voter-approved initiative. Some of us have worked diligently, during the last couple of months, to try to reach a compromise, and I sincerely believe that we should continue to work on it before we ask the voter's to repeal it.
152	Chair Minnis	I agree with you to some extent. There are some amendments out there, that address some of these problems, and I have not excluded them from possibility at this point.

161

Chair  
Minnis

Declares subcommittee adjourned at 3:45 p.m.

Submitted by, Reviewed by,

LISA FRITZ, SARAH WATSON,

Administrative Support Office Manager

**EXHIBIT SUMMARY**

**A - HB 2649, proposed amendments (-6), staff, 1 page.**

**B - HB 2954, written testimony, Charles E. Hofmann, MD, President of the Oregon Medical Association, 3 pages.**