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The Honorable Nick Brown
Attorney General of Washington
Office of the Attorney General
PO Box 40100
Olympia, WA 98504-0100

98504-0100



STATE REPRESENTATIVE
7th LEGISLATIVE DISTRICT
HUNTER ABELL

State of
Washington
House of
Representatives



CIVIL RIGHTS & JUDICIARY
ENVIRONMENT & ENERGY
FINANCE
RULES

January 19, 2026

The Honorable Nick Brown
Attorney General of Washington
Office of the Attorney General
PO Box 40100
Olympia, WA 98504-0100

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JAN 28 2026

AGO
General Services HLB

SENT VIA U.S. MAIL AND ELECTRONIC MAIL

Re: Requested Attorney General Opinion – Death With Dignity Report

Dear Attorney General Brown,

Pursuant to RCW 43.10.030, I respectfully request your informal opinion on the following two questions:

- 1) Whether the Department of Health (DOH) may, citing lack of funds, decline or refuse to produce the annual Death With Dignity report specified under RCW 70.245.150; and
- 2) Whether the DOH may, citing lack of funds, pause annual statistic reporting necessary to produce present or future annual Death With Dignity reports under RCW 70.245.150.

Relevant written communications with the Department of Health are enclosed as **Exhibits A-B**.

As you can see, RCW 70.245.150(3) requires that "[t]he department of health shall generate and make available to the public an annual statistical report of information collected under subsection (2) of this section." The DOH issued a statement last year asserting that it was pausing the issuance of this report. Specifically:

Following the 2025 General Legislative Session, the Department of Health (DOH) made the difficult decision to pause the annual statistical reporting for the Death with Dignity program. This decision is part of broader budget reductions and reflects our need to prioritize patient safety and other critical public health responsibilities.

COPY



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See Department of Health, "Death With Dignity Act," available at: <https://doh.wa.gov/data-and-statistical-reports/health-statistics/death-dignity-act>

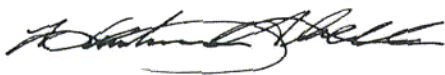
A bipartisan group of legislators sent the DOH leadership a letter on the subject dated October 28, 2025 raising concerns about the pausing of statistical data compilation and requesting that the relevant report be issued as soon as possible. See attached as **Exhibit A**. On December 11, 2025, DOH provided a written response outlining a variety of options, but declining to issue the report. See attached as **Exhibit B**.

The underlying policy outlined at RCW 70.245 is of significant public policy importance, and a matter fiercely debated by many Washingtonians. Regardless of an individual's opinion on the underlying policy, however, there is seemingly broad agreement on the need to ensure public debate is informed with correct information. In light of that, I am deeply concerned about the failure to issue the required report, and am equally concerned regarding the pausing of annual statistical reporting which, even if resumed by DOH in the future, may make any forthcoming reports incomplete or inaccurate.

Your advice regarding the two questions identified above will be helpful in determining appropriate paths forward regarding this matter.

Please let me know if you have any questions or concerns. Thank you for your time and assistance.

Very truly yours,



Rep. Hunter M. Abell

WA State Representative | 7th Legislative District

Legislative Building Room 122B

Olympia Office: 360-786-7988 | Hunter.Abell@leg.wa.gov

Committees:

Environment & Energy | Civil Rights & Judiciary | Finance | Rules

STATE REPRESENTATIVE
7th LEGISLATIVE DISTRICT
HUNTER ABELL

State of
Washington
House of
Representatives



CIVIL RIGHTS & JUDICIARY
ENVIRONMENT & ENERGY
FINANCE
RULES

October 28, 2025

The Honorable Dennis Worsham
Washington State Secretary of Health
P.O. Box 47886
Olympia, WA 98504-7886
Secretary@doh.wa.gov

RECEIVED

JAN 28 2026

AGO

General Services HLB

SENT VIA PERSONAL DELIVERY AND ELECTRONIC MAIL

RE: Death With Dignity Annual Report ~ RCW 70.245.150

Dear Secretary Worsham:

We write with concern regarding the annual Death With Dignity Act ("Act") statistical report required to be produced by the Department of Health ("DOH") pursuant to RCW 70.245.150. The signatories below represent a bipartisan group of legislators who have either advocated for the Act, serve in a leadership position on the House Health Care & Wellness Committee, or have engaged in preliminary discussions regarding this letter's subject matter with DOH personnel.

As you may know, RCW 70.245.150(3) requires that "[t]he department of health shall generate and make available to the public an annual statistical report of information collected under subsection (2) of this section." As you may also know, the DOH recently issued a statement asserting that it was pausing the issuance of this report. Specifically:

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See Department of Health, "Death With Dignity Act" available at: <https://doh.wa.gov/data-and-statistical-reports/health-statistics/death-dignity-act>

COPY

Exhibit A

STATE REPRESENTATIVE
7th LEGISLATIVE DISTRICT
HUNTER ABELL

State of
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House of
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CIVIL RIGHTS & JUDICIARY
ENVIRONMENT & ENERGY
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October 28, 2025

The Honorable Dennis Worsham
Washington State Secretary of Health
P.O. Box 47886
Olympia, WA 98504-7886
Secretary@doh.wa.gov

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RE: Death With Dignity Annual Report – RCW 70.245.150

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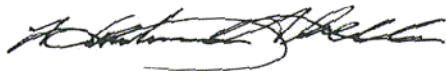
We are well aware of the difficult budget situation facing the State of Washington. We are also aware that DOH has not been provided specific funds to produce the annual report required by the Act. Nevertheless, production of the annual report is mandatory under RCW 70.245.150(3). Also, issuance of the report serves a vital role in promoting transparency and good public policy regarding the Act and its subject matter.

The Act is a matter of significant public importance. A key component of monitoring the public policy impacts of the Act is legislative and public awareness of the number of Washingtonians taking action under the Act's provisions. Without the annual report, the legislature and the public are denied accurate information regarding a matter of vital public policy.

We ask that the annual report be published as soon as possible. We also invite you and your office to discuss ongoing efforts to ensure these reports are drafted on a sustainable basis going forward.

Thank you for your attention and consideration.

Sincerely,



Rep. Hunter Abell
7th Legislative District



Rep. Nicole Macri
43rd Legislative District



Rep. Skyler Rude
16th Legislative District



Rep. Joe Schmick
9th Legislative District

Cc: Rep. Laurie Jenkins
Speaker

Rep. Drew Stokesbary
House Republican Leader



Office of the Secretary
P.O. Box 47890 Olympia, WA 98504
www.doh.wa.gov | TDD Relay: 711

December 11, 2025

The Honorable Hunter Abel
Washington State Representative
Post Office Box 40600
Olympia, Washington 98504-0600

The Honorable Skyler Rude
Washington State Representative
Post Office Box 40600
Olympia, Washington 98504-0600

The Honorable Nicole Macri
Washington State Representative
Post Office Box 40600
Olympia, Washington 98504-0600

The Honorable Joe Schmick
Washington State Representative
Post Office Box 40600
Olympia, Washington 98504-0600

Dear Representatives Abel, Macri, Rude and Schmick:

Thank you for your letter dated October 28, 2025, outlining your concerns regarding the pause of the Death with Dignity report required by RCW 70.245.150. I appreciate your concerns, and I value the conversations I've had with several of you on the issue. As you know, significant General Fund-State (GF-S) reductions in the 25-27 biennial budget required the Department of Health (DOH) to make many difficult decisions to reduce public health services, including some items required by statute.

While the direct appropriation for the report identified for reduction was modest at 38,000/year, the resources required to complete the report annually were approximately \$175,000/year. Producing a meaningful and accurate report requires a significant amount of time and effort from a full-time FTE to review the submitted data and conduct extensive follow-up due to missing or incomplete information. With the legislative investment only covering a small portion of the staff resources needed, the department has been using funds from other designated activities to support this work and ensure the report's completion.

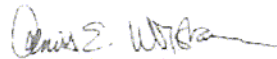
As background, Death with Dignity was passed as a voter initiative in 2009. Since the program began we have seen steady growth in the number of participants from 63 in 2009 to 655 in 2024, our last year of data. This growth has been the major driver for our increased costs for reporting, and inflationary staff costs also contribute.

Since receiving your letter, I've had conversations with leaders in the Center for Health Statistics, officials at the Office of Financial Management, and my budget officers to discuss options for a path forward. Several options have been identified, and I welcome an opportunity to discuss these with you as we head into the 2026 legislative session:

- Repeal the reporting requirement in RCW 70.245.150. I recognize this is not your desired approach.
- Pause the reporting until fiscal conditions allow for a decision package to request the funds necessary to complete the report.
- Consider a modified and less resource intensive approach, such as counting the number of forms reported by pharmacists and publishing this number on our website. This would generally identify the number of participants who receive medication. However, it would *not allow for a full understanding of the number of participants who take the step of using the medication*. While we would be unable to verify the accuracy of the numbers, this may be useful to identify trends over time. (This option represents approximately 1 FTE HSC 1).
- Combination of the above.

I appreciate the importance of the public health data we collect through this program and believe that ensuring its accessibility to the public and decision makers is essential to maintaining the program's ongoing integrity. I look forward to collaborating with you during the upcoming session on a solution and would welcome the opportunity to meet and discuss potential solutions in greater detail.

Best Regards,



Dennis E. Worsham
Secretary of Health
Washington State Department of Health

cc: Kristin Bettridge, Budget Manager, Office of Financial Services, DOH
Kelly Cooper, Director of Policy and Legislative Relations, DOH
Amy Ferris, Chief Financial Officer, Office of Financial Services, DOH
Angi Miller, DCHS Assistant Secretary, Office of Health & Science, DOH
Alexandra Montano, Director, Office of Disease Control & Statistics, DOH
Kristin Peterson, Chief, Office of Government & Community Affairs, DOH
Jessica Todorovich, Chief of Staff, Office of the Secretary, DOH