



Gonzales v. Oregon, 546 U.S. 243, 266, 286 (2006)

The an interpretive rule based off of the Controlled Substances Act determined that using controlled substances to assist suicide was not a legitimate medical practice and that dispensing or prescribing drugs for that purpose was unlawful. The rule used the terms "legitimate medical purpose" and "the course of professional practice," but gave little or no instruction on the question of who was to decide whether a particular activity was in "the course of professional practice" or done for a "legitimate medical purpose." The Court held that since the regulation gave no indication how to decide that issue, the Attorney General's effort to decide it could not be considered an interpretation of the regulation. The Attorney General's rulemaking power to fulfill his duties under the CSA did not include the power to declare illegitimate a medical standard for care and treatment of patients that was specifically authorized under state law.

The Court Provided

Virtually every medical authority from Hippocrates to the current American Medical Association (AMA) confirms that assisting suicide has seldom or never been viewed as a form of "prevention, cure, or alleviation of disease," and (even more so) that assisting suicide is not a "legitimate" branch of that "science and art." See OLC Memo, App. to Pet. for Cert. 113a-130a. Indeed, the AMA has determined that "[p]hysician-assisted suicide is fundamentally incompatible with the physician's role as healer." *Washington v. Glucksberg*, 521 U.S. 702, 731, 117 S. Ct. 2258, 138 L. Ed. 2d 772 (1997). "[T]he overwhelming weight of authority in judicial decisions, the past and present policies of nearly all of the States and of the Federal Government, and the clear, firm and unequivocal views of the leading associations within the American medical and nursing professions, establish that assisting in suicide . . . is not a legitimate medical purpose."