

Ottawa Journal: What You Need to Know about Canada's New Medical Assistance in Dying Legislation

By David Tilson, M.P.

Dufferin-Caledon

On Friday, June 17, the Governor General of Canada gave Royal Assent to Bill C-14: Medical assistance in dying. This bill provides federal regulation surrounding access to medical assistance in dying, which became unrestricted on June 6, 2016 in accordance with the Supreme Court of Canada's mandated deadline.

As the Member of Parliament for Dufferin-Caledon, I felt that it was important for me to inform you about this new legislation.

Under Bill C-14, individuals are now eligible for medical assistance in dying if they meet all of the following criteria: the individual qualifies for health services funded by the federal government; they are 18 years of age and capable of making decisions with respect to their health; they have a grievous and irremediable medical condition; they have made a voluntary request for a medically assisted death that was not made as a result of external pressure; they give informed consent to receive medical assistance in dying after they have been informed of the means that are available to relieve their suffering, including palliative care.

A section of this new legislation that has been at the forefront of the debate is the term, "grievous and irremediable medical condition."

The Liberal government chose to define this as someone who: has a serious and incurable illness/disease/disability, in an advanced state of irreversible decline in capability, an illness/disease/disability that causes a state of decline inflicts them with enduring physical or psychological suffering that is intolerable to them and cannot be relieved under conditions that they consider acceptable, natural death has become reasonably foreseeable, and taking into account all their medical circumstances without a prognosis necessarily having been made as to the specific length of time that they have remaining.

This legislation amends the Criminal Code to create exemptions from the offences of culpable homicide when medical practitioners and nurse practitioners aid and take part in medical assistance in dying.

The new legislation requires medical practitioners, nurse practitioners, and pharmacists who receive a request for a medically assisted death to provide the proper information for monitoring purposes to the Minister of Health.

The amendments brought in by Bill C-14 also create new offences for those who fail to comply with the safeguards, for forging or destroying documents, or fail to provide the required information to the individual and contravening the regulations.

As medical assistance in dying is implemented across the country further amendments to the legislation will likely need to be made over time. A mandatory five-year review by Committees in both the Senate and the House of Commons has been included in the Act.

The Ministers of Justice and Health must also review, within 180 days, the feasibility of adding further criteria to the eligibility list. These reviews will allow for a critical analysis of the legislation and its implementation progress to date. The committees will then provide the government with reports of their findings.

I encourage everyone to read the entire piece of legislation so you may have an understanding of the changes made to the Criminal Code. You can find the document at: www.parl.gc.ca.

