



Dying With Dignity Canada
It's your life. It's your choice.

Background on MAID Amendments

Dying With Dignity Canada (DWDC) is pleased the Government of Canada has tabled legislation to amend Canada's medical assistance in dying (MAID) laws.

Public opinion about MAID

The Canadian public overwhelmingly supports amendments to MAID¹.

- Over eight in 10 Canadians (82 per cent) believe people diagnosed with a grievous and irremediable medical condition, including those with dementia, should be allowed to make advance requests for MAID.
- Eighty-five per cent of respondents believe a person's request for MAID should be respected if they have been assessed and approved for assisted dying but lose their capacity to consent prior to the planned date for MAID.
- Over 70 per cent of Canadians strongly support removing the requirement that a person's death be 'reasonably foreseeable' for them to be eligible for MAID.

Amendment to MAID legislation

The proposed amendments in Bill C-7 close evident gaps in existing MAID laws. The amendments remove the clause that 'natural death has become reasonably foreseeable' (NDRF) as an eligibility requirement, but make the clause play an important role in the safeguard process. The proposed amendments also allow waiver of the requirement for final consent for those patients who are eligible, but who may lose capacity in advance of their scheduled date.

DWDC is pleased that a process has been proposed to ensure continued eligibility for MAID in these cases, recognizing the unnecessary pain that has been caused to many, including Audrey Parker.

DWDC supports changes to independent witnesses. DWDC supports the government's proposal that only one independent witness be required to sign the formal request for MAID, and that this witness may be a paid personal care or healthcare worker. As an organization providing independent witnesses, DWDC understands the importance of respecting the privacy of patients and that requiring two witnesses was often a barrier to access.

DWDC is concerned with an extended assessment period. In cases where a person's death may not be reasonably foreseeable, a 90-day assessment period, which may be shortened if loss of capacity is deemed imminent, and a requirement for final consent have been included as part of the amended framework legislation.

DWDC is concerned that this extended assessment period will unnecessarily prolong already intolerable suffering.

DWDC is opposed to the exclusion of those with mental illness and urges parliamentarians to reconsider exclusions in the current legislation. DWDC is opposed to the exclusion from access to MAID of specific groups, including those suffering solely from mental illness and mature minors. We believe these measures are stigmatizing and discriminatory, and are likely unconstitutional. We call on parliamentarians to ensure that no provisions of the law exclude Canadians

¹ An Ipsos I-Say panel poll was conducted between January 21-27, 2020. A sample of 3,502 Canadians was surveyed online and the results have been weighted by region, age, and gender to reflect the demographic makeup of the national population. In cases where the base sample was used, the results are considered accurate with +/- 1.9 percentage points, 19 times out of 20.

who should have equal access to the constitutional right to make choices as to how their life may end, assuming they meet the eligibility criteria set out in the law.

DWDC agrees with Justice Baudouin in the Truchon decision that the vulnerability of a person requesting MAID must be assessed exclusively on a case-by-case basis and that a person's ability to understand and consent to MAID is ultimately the decisive factor.

DWDC urges the government to consult with the Canadian Association of MAID Assessors and Providers. DWDC does have concerns that the proposed framework may be more restrictive than the government intended. DWDC encourages the government to consult with appropriate parties, such as members of CAMAP to ensure that the dual track safeguards do not now inadvertently exclude individuals who would be found eligible today. The requirement that one of the assessors have expertise in the condition of the patient is also of potential concern. Care coordinators and clinicians suggest that this may cause a barrier to access, particularly in rural and remote areas. DWDC requests the following modest change to this requirement: should one of the 2 assessors not have expertise in the individual's condition, they would be required to have a documented consultation with a third clinician who does.

Other actions on MAID

DWDC supports additional action on MAID. DWDC commends the government for taking additional non-legislative measures in cooperation with the provincial and territorial governments and healthcare partners to develop, implement, monitor and report on MAID practice guidelines, training and review processes, and to enhance disability supports.

DWDC is also pleased that the government will initiate the legislative review called for in the 2016 MAID legislation, starting in June.

DWDC is pleased with the opportunity for public input. DWDC supports the decision to provide the public and those with lived experience with an opportunity for meaningful input during the upcoming review of the existing law and the state of palliative care in Canada. Our expectation is that through this process, the government will recognize the strong public support for advance requests for those diagnosed with a grievous, irremediable and capacity-eroding condition that may impede their ability to provide informed consent at the time they become eligible for MAID.

About Dying With Dignity Canada

Dying With Dignity Canada is the national human-rights charity committed to improving quality of dying, protecting end-of-life Charter rights, supporting healthcare practitioners and helping Canadians avoid unwanted suffering.