

Bill C-7 passed by the Senate

The AQDMD welcomes the expansion of medical assistance in dying

Montreal, March 18, 2021 • The Association québécoise pour le droit de mourir dans la dignité (AQDMD) is pleased to see that Bill C-7 was passed, after more than a year of discussions. Removal of the “reasonably foreseeable” natural death criterion had been requested on multiple occasions by the AQDMD. Further steps will need to be taken.

The AQDMD is very pleased with the expansion of medical assistance in dying

Led by Minister Lametti, at the request of Quebec Judge Christine Baudouin, Bill C-7 represents real progress. Bill C-14, the previous legislation, established the concept of a “reasonably foreseeable death”: this criterion made medical assistance in dying (MAID) inaccessible to many citizens. **Bill C-7 thus expands access to MAID.**

Several requests for this expansion were made by the AQDMD, which has been involved in the debate from the start, particularly during the Truchon and Gladu trial in which Judge Baudouin declared the provision unconstitutional. “We are pleased that the Canadian Senate, with a strong majority, has endorsed the government proposal after suggesting highly relevant improvements,” stated Dr. Georges L’Espérance, the president of the AQDMD, who is himself a MAID practitioner. “C7 is not perfect but makes it possible to move even further towards an end-of-life process that ensures dignity, which the majority of the population supports.”

More specifically, the AQDMD supports the two-pronged approach in Bill C-7: now, natural death is either reasonably foreseeable (with a short- or medium-term prognosis) or it is not. In the first case, the patient no longer has to wait 10 days and they can fill out a waiver of final consent¹ to be used in the event that they lose the capacity to consent. “This is a humanitarian step forward, a response to clinical findings,” stated Dr. L’Espérance.

In the event that a natural death is not reasonably foreseeable (according to a short- or medium-term prognosis) and that the person meets all the other criteria, a 90-day waiting period is initiated. “Thus, a patient whose natural death is not reasonably foreseeable (i.e., death is definitely not expected within the coming months) can still request MAID if they want to and if they meet the other criteria. This applies, for instance, to patients with spinal cord injuries resulting in quadriplegia, as was the case for Mr. Truchon,” explained Georges L’Espérance.

Patients with chronic illnesses that will lead them to a certain death (like multiple sclerosis, amyotrophic lateral sclerosis, etc.) **will no longer have to go to court to have their voice heard.**

Advance medical directives, mental health, mature minors: future discussions are needed

In this bill, the government has provided for an active reflection process regarding MAID, a move that the AQDMD approves whole-heartedly.

Thus, a **debate over advance medical directives for people affected by cognitive neurodegenerative diseases** (like Parkinson or Alzheimer disease) will need to take place in 2021. Under Bill C-7, these diseases, which have physical and not psychological causes, are eligible if the patient requests MAID while having full decision-making capacity. The patient will not, however, be allowed to apply for MAID at a later date, once the disease will have caused them to lose the capacity to consent. "Now, it's a matter of recognizing advance medical directives that will allow people with a cognitive neurodegenerative disease to make a choice ahead of time, regarding their end of life, without feeling the need to rush to avoid the potential legal consequences of waiting too long," explained Georges L'Espérance.

A 24-month timeline was imposed, for patients with a mental health condition. Georges L'Espérance spoke on the matter, "Excluding mental health is unconstitutional because it is discriminatory, but we must set clear clinical and legal guidelines and this time-limited reflection period is appropriate."

Lastly, "**The issue of mature minors** will need to be addressed," stated the President of the AQDMD. Bill C-14 required that the government review this issue in 2021.

These matters all warrant in-depth discussions and **the AQDMD will actively participate in the reflection process over the coming months.**

About the AQDMD

Founded in 2007, the Association québécoise pour le droit de mourir dans la dignité strives to promote recognition for the right of every competent adult who has prepared an advance medical directive to have an end of life that is consistent with his or her own values of dignity and freedom. For more information: <https://aqdmd.org/>

- 30 -

Information: Laurie Marcellesi - Wink Strategies
laurie.marcellesi@winkstrategies.com - 514-558-3703

Sources:

Georges L'Espérance, President of the AQDMD
<https://aqdmd.org/>