



RESPONSE TO PETITION

Prepare in English and French marking 'Original Text' or 'Translation'

PETITION NO.: **421-03371**

BY: **MR. GARRISON (ESQUIMALT-SAANICH-SOOKE)**

DATE: **APRIL 10, 2019**

PRINT NAME OF SIGNATORY: **THE HONOURABLE DAVID LAMETTI**

Response by the Minister of Justice and Attorney General of Canada

SIGNATURE

Minister or Parliamentary Secretary

SUBJECT

Medical assistance in dying

ORIGINAL TEXT

REPLY

This petition calls on Parliament to amend the *Criminal Code* to permit advance requests for medical assistance in dying.

Bill C-14, *An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying)*, created exemptions to otherwise applicable criminal offences to give capable adults who are on an irreversible decline towards death, and are intolerably suffering from a grievous and irremediable medical condition, the choice of a medically assisted death. The *Criminal Code* requires that a person be capable of making decisions with respect to their health in order to receive medical assistance in dying and that a medical or nurse practitioner confirm a person's consent to receive medical assistance in dying immediately before it is provided. These requirements reflect the irreversibility of medical assistance in dying, ensure that persons who receive medical assistance in dying are consenting at the time they receive it, and guarantee the respect of any ambivalence in a person's wish to receive medical assistance in dying.

Parliament expressly considered the issue of advance requests as part of its debate on the medical assistance in dying legislation. Parliament chose not to permit medical practitioners to provide medical assistance in dying in these circumstances. However, as some Canadians and Parliamentarians expressed an interest in advance requests, the legislation required the initiation of independent studies on this and two other types of requests for medical assistance

in dying that fell outside the eligibility requirements. The Council of Canadian Academies completed the independent studies. Its three reports, including on advance requests, were tabled in Parliament in December 2018. The advance requests report canvassed the available evidence and noted the complexities and uncertainties associated with advance requests, as well as the impacts of permitting and prohibiting advance requests. The report will continue to inform public debate around the issue of advance requests.

As required by the legislation, the regime will be reviewed in the next Parliament and advance requests will no doubt be a part of that study.