**Summary of letter regarding "Medical Assistance in Dying (MAiD) amendments & future amendments particularly for persons suffering solely from a mental illness"**

**Received From:** The Honourable Arif Virani, P.C., M.P.

Minister of Justice and Attorney General of Canada

**Date:** February 26, 2024

**To:** Ms. Shirley Chan, Advocacy Committee, Pathways SMI Society

in response to concerns raised on behalf of Pathways’ members and their families.

The Government of Canada understands that medical assistance in dying (MAiD) is a complex and deeply personal issue. ... And, is committed to ensuring that our laws reflect Canadians’ evolving needs, support autonomy and freedom of choice, and protect those who may be vulnerable.

History:

* March 17, 2021: *An Act to amend the Criminal Code (MAiD)* (former Bill C‑7) came into force.

1. Based on Superior Court of Quebec’s 2019 "*Truchon*" decision", the Act amended the *Criminal Code* to, remove the requirement for a person’s natural death to be "reasonably foreseeable" in order to be eligible for MAiD. It created two sets of procedural safeguards to be followed: One of the requirements is a minimum 90‑day assessment period to ensure that adequate time and expertise are devoted to the eligibility assessment of persons whose natural death is not reasonably foreseeable and ... take steps to ensure that such persons have been informed of any available and appropriate options that could help relieve their suffering and have been offered consultations with relevant professionals who provide those services or care.

1. And “Audrey’s Amendment" for those whose natural death is reasonably foreseeable, to enter into a written arrangement with their practitioner to waive the requirement for final consent should they risk losing capacity before their chosen date to receive MAiD.

* The Act temporarily excluded, until March 17, 2023: persons suffering solely from a mental illness from eligibility for MAiD.
* February 2, 2023: Bill C‑39, *An Act to amend An Act to amend the Criminal Code (MAiD)*
* March 9, 2023: Royal Assent obtained.
* Temporary exclusion extended until: March 17, 2024

The Government of Canada recognizes that mental illness can cause the same level of suffering as that of physical illnesses, and important progress has been made to prepare for MAiD eligibility for persons whose sole medical condition is a mental illness. In its consultations with the provinces, territories, medical professionals, people with lived experience, and other stakeholders, the Government of Canada has heard and agrees that the health system is not yet ready for this expansion.

February 1, 2024: Bill C‑62 introduced *An Act to amend An Act to amend the Criminal Code (MAiD), No. 2*, to further extend the temporary exclusion until March 17, 2027.

This delay is based on recommendations of the “[**Special Joint Committee on Medical Assistance in Dying**](https://www.parl.ca/Committees/en/AMAD) (MAiD)”. While the Committee acknowledged that considerable progress has been made in preparing for the expansion of eligibility for persons suffering solely from a mental illness, it recommended that MAiD in these cases not be made available until the health care system can safely and adequately provide it.

The Government has supported the release of the “[**Model Practice Standard for Medical Assistance in Dying**](https://www.canada.ca/en/health-canada/services/publications/health-system-services/model-practice-standard-medical-assistance-dying.html)”, the development of a nationally accredited MAiD curriculum, and a series of workshops to support the development of additional tools to assist practitioners in assessing complex requests for MAiD, including those where the sole underlying medical condition is a mental illness.

The Government of Canada is committed to a measured, thoughtful, and compassionate approach to help ensure our MAiD system meets the needs of Canadians, protects those who may be vulnerable, and supports autonomy and freedom of choice of individuals. They will continue to work closely with all stakeholders to support safe implementation of MAiD, with appropriate safeguards in place, to affirm and protect the inherent and equal value of every person’s life.

[**Link to Original Letter**](Original%20letter%20Pathways.pdf)