



# DEBATES OF THE SENATE

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## CRIMINAL CODE

Bill to Amend—Consideration on Subject Matter  
in Committee of the Whole (Bill C-14)

Question by:

The Honourable Diane Bellemare

Wednesday, June 1, 2016

## THE SENATE

Wednesday, June 1, 2016

[Translation]

### CRIMINAL CODE

#### BILL TO AMEND—CONSIDERATION ON SUBJECT MATTER IN COMMITTEE OF THE WHOLE

On the Order:

The Senate in Committee of the Whole, after Prayers, pursuant to the order adopted on May 31, 2016, in order to receive the Honourable Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada, and officials, followed by the Honourable Jane Philpott, P.C., M.P., Minister of Health, and officials, for the consideration of the subject matter of Bill C-14, An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying).

**Senator Bellemare:** Good afternoon, minister. My understanding of subclause 241.2(2) leads me to believe that the scope of the bill is much broader than that of the Quebec law, particularly paragraph 241.2(2)(d), which describes what is meant by a grievous and irremediable medical condition and indicates that a person must meet the following condition in order to be eligible for medical assistance in dying, and I quote:

(d) Their natural death has become reasonably foreseeable, taking into account all of their medical circumstances, without a prognosis necessarily having been made as to the specific length of time that they have remaining.

If I understand correctly, under the bill, medical assistance in dying may be permitted even if a prognosis has not been made, simply because the person's death is foreseeable, whether that person has two weeks, two months or two years left to live. I would like you to tell me whether I understood that correctly because, if I did, then I believe that the scope of Bill C-14 is broader than that of the Quebec law, under which medical assistance in dying is granted as part of end-of-life care for people who are terminally ill.

With that in mind, if we pass Bill C-14, which is now before us, what will be the legal status of the Quebec law? From what I understand, it is more restrictive than Bill C-14. Will it then be constitutional or unconstitutional? Is that relevant, or will

Quebec's law supersede Bill C-14 because it was passed first? Could you tell us more about that? Thank you.

[English]

**Ms. Wilson-Raybould:** Certainly. Thank you, senator, for your questions, and my apologies for having my back to you.

First of all, I appreciate the question and want to at the outset recognize the substantive amount of work that the Province of Quebec has undertaken and currently undertakes in terms of putting in place their legislation around end of life. There are some differences between what is in place in the Province of Quebec and what is being put forward within Bill C-14. As you rightly point out, senator, the Quebec legislation is around end of life and care at the end of life by medical practitioners.

Some of the key differences with respect to Bill C-14 are that it allows an individual to self-administer medication in terms of being able to end one's life. We have purposefully — and this is where there is a distinction between the Quebec law and Bill C-14 — put in place reasonable foreseeability in terms of “death has become reasonably foreseeable,” to inject the flexibility to enable medical practitioners, based on the close relationship they have with their patients, to determine whether or not their patient is eligible to receive medical assistance in dying. I have been in close contact with the Province of Quebec and the Attorney General, and what we're doing in terms of Bill C-14 is exercising the criminal law power.

The legislation in place in the Province of Quebec is under the health jurisdiction of the province, and we do not see a conflict necessarily between those two laws. However, I have been advised that the Province of Quebec is reviewing their law in light of Bill C-14. There are different safeguards in place, and within Bill C-14, the federal Minister of Health is provided with regulatory powers to engage with the provinces and territories to reconcile perhaps in the Province of Quebec some of those differences. But there is no conflict in terms of the laws.

[Translation]

**Senator Bellemare:** So it would not be deemed unconstitutional? Even though it is more restrictive, there would not be a conflict? Okay. Thank you.