

## MAID Fact Sheet Humber Legal Association

Discussion 1 | April 1, 2021 | 7:00pm



### MAID : *Medical Assistance in Dying*

#### Landmark Cases

*Rodriguez v. British Columbia (Attorney General)*, 1993, 3 SCR 519

A terminally ill patient challenged the prohibition of assisted suicide as a Canadian Charter of Rights and Freedoms violation. The Criminal Code provision was upheld due in part to the long history of prohibition of suicide. Dissenting judgments marked the way for the future of similar matters.

*Carter v. Canada (Attorney General)*, 2015 SCC 5

After a patient was diagnosed with a fatal neurodegenerative disease in 2009, she challenged the constitutionality of the Criminal Code provisions prohibiting assistance in dying. This case determined that there was an infringement of the plaintiff's section 7 Charter right and that this infringement could not be justified under section 1 of the Charter. This case led to the amending of the Criminal Code and the legalization of MAID.

*Sorenson v. Swinemar*, 2020 NSCA 62

Patient was diagnosed with COPD in 2003 and decided to opt for MAID in 2020. He was granted approval, however his wife disagreed with the decision arguing he was suffering from anxiety and delusions. A legal battle of motions and delays ensued, until he was finally able to proceed with MAID in October 2020.

#### What is MAID?

- MAID stands for Medical Assistance in Dying, allowing patients with illness to have control over end of life.
- Bill C-7: An Act to amend the Criminal Code (medical assistance in dying) came into effect on March 17, 2021.
- MAID takes two forms:
  - Clinician-Administered
  - Self-Administered
- Expanded eligibility criteria to include having a grievous and irremediable medical condition:
  - serious illness, disease, or disability
  - advanced state of decline
  - unbearable physical or mental suffering
- Reasonable foreseeability of natural death limitation repealed.
- Eligibility for persons suffering solely from mental illness temporarily excluded until March 2023.



Need more info?

<https://www.canada.ca/en/health-canada/services/medical-assistance-dying.html>