

Quebec passes right-to-die law

Quebec has become the first Canadian province to legalize medically assisted death. Bill 52, an Act respecting end-of-life care, passed in the National Assembly by 94 votes to 22 in a free vote on June 5.

Health Minister Gaétan Barrette said the law will come into force within 18 months, as soon as the province has established a commission on end-of-life-care to oversee implementation.

Quebec is the fourth jurisdiction in North America — after Oregon, Vermont, and Washington — to allow what the bill describes as “medical aid in dying.” Drawing heavily on Belgian and Dutch models, Quebec’s law permits doctors to prescribe and administer the substance that will cause the death of the patient.

The bill’s language avoids describing this as euthanasia. By defining the act of hastening death as a medical service, and thus a matter of provincial competence, Quebec’s government hopes to avoid friction with the Criminal Code of Canada, which still defines all assistance in dying as culpable homicide.

Federal Justice Minister Peter MacKay criticized this manoeuvre when Quebec’s new Liberal government tabled the bill in March, arguing that prohibitions against assisted suicide “serve to protect all members of our society, including the most vulnerable.”

A spokeswoman for the federal justice ministry, Mary Ann Dewey-Plante, said on Thursday that “it is for the courts to decide if any province is legislating within its jurisdiction,” but did not suggest that Ottawa would mount a legal challenge.

Several anti-euthanasia groups have said they will go to the courts. Such

groups have argued that assisted suicide is an unethical alternative to redressing deficiencies in palliative care.

Quebec’s International Relations Minister Christine St-Pierre, who voted against the bill, said she worries that

of Sue Rodriguez, who suffered from amyotrophic lateral sclerosis (ALS) disease. The British Columbia Civil Liberties Association recently asked the court to reconsider whether such prohibitions violate the rights of the gravely ill. A ruling is expected in the fall.

A private member’s bill to legalize physician-assisted suicide nationally has been introduced in the federal parliament by Manitoba Conservative MP Steven Fletcher, but its low place on the order list makes it unlikely to be debated this session. The House of Commons overwhelmingly rejected a bill legalizing physician-assisted dying in 2010.

During Quebec’s debate, Premier Philippe Couillard told fellow legislators that in his work as a neurosurgeon, he had never encouraged a patient who explicitly asked to die. “But some said, ‘Doctor, I don’t want this pain any more. I want to sleep.’”

Couillard said he would have voted against the bill had he held a seat last year, but was won over by recent changes that allow physicians to refuse to provide medical aid in dying if their conscience dictates. Physicians will still have to transmit such requests to a colleague or superior, however.

Health Minister Barrette, a radiologist, said that he had often heard patients demand “the proverbial shot of morphine.” He added, “Canada will not be spared this debate. At some point, they will have to face it. But I believe that support for an initiative like this one will not be uniform across the country.” — Owen Dyer, Montréal

CMAJ 2014. DOI:10.1503/cmaj.109-4830



Photodisc/Thinkstock

A landmark law gives terminally ill and suffering Quebecers the right to medical aid in dying.

undue pressure from family members might lead some patients to feel it is “their duty to die.” Under the new law, it is the physician’s duty to verify that patient consent is informed and free from such external pressures.

It is now 21 years since Canada’s Supreme Court narrowly upheld the Criminal Code’s provisions in the case