Bill C-41 FAQs

What Does Bill C-41 Do?

Bill C-41, if passed, would stop the scheduled expansion of MAID for those with mental illness alone. However, it would introduce a new expansion – euthanasia by advance request.

The government could have cancelled MAID for mental illness by supporting Bill C-218, which government MPs voted down. Regardless, the government could quickly and easily pass a separate bill just to cancel MAID for mental illness. Passing Bill C-41 and permitting advance requests is not necessary in order to prevent MAID for mental illness.

What Are Advance Requests?

Advance requests grant doctors a license to kill patients who, at some earlier date, signed a written request to be euthanized once they reach a certain state of disability or ill health. Bill C-41 would only allow adults who have been diagnosed with an incurable, capacity-impairing illness to sign an advance request. So, for example, a person diagnosed with dementia can, while he still has sufficient mental capacity, outline the circumstances in which he speculates that he would want to die in the future, after he can no longer consent.

Why do you call it MAID without consent if people are still asking for it?

So-called "advance consent" is not informed consent, and is really no consent at all. The person is "consenting" to circumstances he has never experienced. We know that a lot of people change their mind after requesting MAID, but once a person has lost capacity he will have no way of withdrawing the request. That is why Canada's Supreme Court has rejected the concept of "advance consent" to sexual contact, for example.

What about the safeguards that prevent MAID if a person resists?

When someone has advanced dementia, the line between voluntary and involuntary resistance is impossible to find. Additionally, a person who has lost mental ability may not even know what is happening when the doctor begins the euthanasia process. Bill C-41 does not require a doctor to try to make the patient aware that they are about to be killed. These safeguards are inadequate. It remains up to the MAID doctor to decide when to end a patient's life.

How do advance requests differ from advance care directives like a DNR?

Medical advance directives allow a person to clarify whether they might accept or refuse potentially life-saving interventions in situations where a decision must be made quickly. Such directives do not demand any intervention, and at most, indicate a wish to be left alone in serious medical circumstances. Advance euthanasia requests are radically different, asking a doctor to deliberately end a person's life without current consent.

Won't advance requests allow people with dementia to live longer instead of receiving MAID when they can still consent?

The choice for Canadians with dementia and other illnesses is not (a) MAID now; or (b) MAID later. Canadians with such illnesses are often isolated, lonely, and feel like a burden. That is often why they ask for MAID. Those who want advance requests do so out of fear for the future. But fear and social challenges must be met with care and supports, not MAID.

What's the difference between mental illness and illness that limits mental capacity?

The term "mental illness" in Canada's MAID law refers to illnesses such as anxiety, depression, and personality disorders, among other illnesses treated in the field of psychiatry. It does not include neurological conditions such as dementia.

Canada's law does not permit MAID for mental illness as the *sole* underlying condition, though persons with physical illnesses or disabilities who suffer psychologically are eligible for MAID.

Bill C-41 would preserve the rule against MAID for mental illness, yet permit MAID for persons who are mentally disabled - provided they sign a request before they become mentally disabled.