



**The United Church
of Canada
General Council**

GCE43 TICIF02 Medical Assistance in Dying for May 2020

True Document Date: May 25, 2020

1. What is the issue?

In the months since the 2017 United Church report on Medical Assistance in Dying (MAID) was adopted challenges to the legislation governing MAID have arisen, focussed on: access to MAID for those suffering mental illness; the use of advance directives; and the age at which MAID should be permitted. This statement offers guidance on these issues for people in the United Church engaged in discussion around end-of-life decisions.

2. Why is the issue important?

In May 2017, the General Council Executive of the United Church adopted a statement on Medical Assistance in Dying (MAID) that accepted Medical Assistance in Dying as an end of life option, although an option to be exercised with caution due to the risk it poses for vulnerable populations. In the months since this report was adopted challenges to the legislation governing Medical Assistance in Dying have arisen, focussed primarily on three questions: access to MAID for those suffering mental illness; the use of advance directives (an advance directive is written instructions about what health care you do or do not want in the future if you become incapable and a health care decision needs to be made); and the age of consent for access to MAID.

In October 2019 the Quebec Superior Court decision in the Truchon case struck down the federal and Quebec legislative requirement for a “reasonably foreseeable natural death” or “end of life” in requests for Medical Assistance in Dying, declaring it unconstitutional. The ruling required the federal and Quebec governments to amend their legislation. In response

to this ruling, the Government of Canada tabled Bill C-7 on February 24, 2020 (<https://www.parl.ca/DocumentViewer/en/43-1/bill/C-7/first-reading>). While Parliament has been suspended, there is an expectation that attention will return to this or similar legislation in the near future.

The United Church 2017 statement did not specifically offer guidance on these issues. Given the questions arising for people in the United Church engaged in discussion around end-of-life decisions, including those considering MAID or offering pastoral care to those wrestling with such a decision, it is timely to encourage reflection on these issues within the church. Consistent with the previous report, the Theology and Inter-Church Inter-Faith Committee again seeks a reasoned position that accords with our tradition and views the issues through the lens of the previous report, which emphasizes that a decision for MAID must be the result of a free and informed choice.

3. How might the Executive of the General Council respond to this issue?

The General Council Executive could decide to

- 1. Receive the report and recommend:**
 - a. That the criterion of “foreseeable death” for access to Medical Assistance in Dying be maintained.**
 - b. That ending suffering due to mental illness not be a category for MAID, and that the church advocate for increased mental health resources.**
 - c. That advance directives in relation to MAID not be permitted.**
 - d. For mature minors, capacity to make a decision for MAID be judged on a case-by-case basis, by medical professionals in consultation with family and community.**
- 2. Direct the General Secretary to emphasize again the need for more dialogue around death and dying, in the church and in the wider community, as well as the continuing need for attention to palliative care needs, expansion of facilities for palliative care, and resources for pain management.**

4. For the body transmitting this proposal to the General Council Executive:

The Theology and Inter-Church Inter-Faith Committee prepared the 2017 report on Medical Assistance in Dying in response to GCE: TICIF4: Physician Assisted Dying, Motion: 2015-03-21-204, directing the Theology and Inter-Church Inter-Faith Committee to examine the theological implications of physician assisted dying and to offer guidance to the Executive on the development of a church statement on the issue.

This proposed statement updates the 2017 policy to take into account emerging issues around Medical Assistance in Dying. See report attached.

Document Type: [Proposal](#)

General Council: [GC43 or earlier](#)

Originating Body: [Theology and Inter-Church Inter-Faith Committee](#)

Status: [Carried](#)