

The Implications of Bill C-14, Medical Assistance in Dying from an Estates Law Perspective

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By Megan Mah

On June 17, 2016, Bill C-141 came into force, creating a federal regulatory framework for medical assistance in dying (“MAID”) under the newly enacted subsection 241.2 of the Criminal Code² (the “Code”). Bill C-14 has important implications for regulators, medical practitioners, nurse practitioners, and individuals seeking MAID. The government’s recently introduced legislation raises multiple issues for individuals seeking MAID. In particular, individuals and their families should be aware of the following issues from an estates law perspective: (i) requirements regarding bequests to witnesses; (ii) requirements regarding bequests to medical practitioners; (iii) capacity issues and the prohibition of advanced directives; (iv) requirements regarding disability and the reasonable foreseeability of death; (v) the prohibition of directives of mature minors; (vi) the refusal of medical practitioners to provide MAID; and (vii) the implications of Bill C-14 on life insurance policies.

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