



November 2016

Reference Document

CLHIA POSITION ON MEDICAL ASSISTANCE IN DYING*

The CLHIA has paid close attention to the work that governments across Canada have been doing in developing the required legislative response to the Supreme Court of Canada decision in *Carter v. Canada (Attorney General)*, [2015] 1 SCR 331, regarding medical assistance in dying (MAID). The most notable response to date being federal legislation, *An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying)*, S.C. 2016, c.3. The industry's objective has been to not stand in the way of the federal, provincial or territorial governments' public policy decisions in this area, such as the rules and processes that need to be followed by individuals to access MAID.

MAID and its associated processes are not expected to have a significant impact on the life and health insurance industry. In the limited areas where the industry could be affected, the industry's views are described in the three points below, which should be read together:

1. If MAID takes place and it is in accordance with the rules and processes set out by the government(s), then MAID will not be considered to be "suicide" for the purposes of life insurance.
2. Where the MAID process takes place in accordance with paragraph 1, an insurer would not be prevented from relying upon any other defences (not related to accessing MAID) that may otherwise be applicable. For example:
 - a. any misrepresentation that may have been made in applying for coverage, or
 - b. any medical conditions specifically excluded at the time the policy was issued.
3. Where the MAID process takes place, it will still generally be necessary to know the underlying illness. For this reason, we recommend that any death certificate issued following MAID should also indicate the underlying cause of death.

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** This position does not include any content with respect to the efforts of the federal government to expand the program to people whose sole underlying condition is a mental disorder. This position is subject to updates or change once the details and implementation of any program expansion are announced by the federal government.*