



Written Statement of

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Plaintiff in *Lamb v. Attorney General of Canada*

to the Standing Committee on Legal and Constitutional Affairs

**In view of its study on Bill C-7,
An Act to amend the Criminal Code
*(medical assistance in dying)***

Ottawa

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Thank you for the time and opportunity to have my words heard today during this pre-study.

Four years ago, I joined the BCCLA after the passing of Bill C-14. Motivated by the understanding that as it stood, if and when I would apply for MAiD, my application would be unjustly denied as not fitting the 'RFND' eligibility.

This exclusion was felt immediately, and its reality proposed to me that the prolonged and agonizing suffering of those who were not on a definitive trajectory of death would be left without choices, or to make heartbreakingly terrible ones. At this time, I faced that this could be the state of my future.

Out of the fight from Nicole Gladu and Jean Truchon, Bill C-7 acknowledges the truth that 'RFND' is an unconstitutional sole criterion. The decision of this case was also felt immediately, except that instead of exclusion, many Canadians felt heard and respected – for MAiD is the individual's choice to make regardless of the timeline of their intolerable suffering. I have heard this firsthand through personal stories shared with me.

Now, Bill C-7 exists in this moment containing three ~~two~~ areas of concern, from my point of view.

1. The adjournment of my case was based upon evidence that I would now be eligible under 'RFND.' Worryingly, this language has been kept in this bill, yet has had no added or detailed definition and is being used to differentiate the defining 2-track set up of Bill C-7. This is leaving confusion as to where I personally may fit in, and I fear that the language lacks clarity. I think if "dying" is struck from the preamble in C-7, it would go a long way to help me and my doctors know that RFND applies to my medical condition.
2. Someone who is eligible, meeting all criteria, but is not determined to be 'reasonably foreseeable' in their decline must confront a 90-day waiting period. I say confront because a 90-day waiting period is a large and looming timeframe to be under when suffering intolerably. I have great concern what this criteria might mean for my future if I choose MAiD – the last days of life being not something of my choosing, and the drawn out pain and suffering I may endure because it is not determined as equal to those who are more timely in their matter of dying. A bill that is supposed to be a choice, to end feeling trapped and hopeless in unbearable suffering, instead may trap me within an excruciating 90-day waiting period.
3. Additionally, someone whose death is not reasonably foreseeable will be denied the waiver for final consent. This is very worrying for me. As you may know, I have SMA, Type 2, a hereditary, progressive degenerative disease that causes weakness and wasting of the voluntary muscles. I experience frequent pain from muscle contractures and suffer from falls, and repeated broken bones because of severe osteoporosis. I also have severe

breathing difficulties that has led to recurring instances of pneumonia. Because my health is so compromised, there are several reasons why I might lose capacity and be denied my right to assisted death if I cannot waive final consent. After fighting for years for my rights, this is a heartbreaking possibility.

Bill C-7 is hope for so many. It must uphold compassion and choice. The pillars of the *Carter* decision, the human rights of Canadians with incurable, grievous illness and intolerable suffering, matter and should be reflected in this legislation that was ordered to improve on the previous bill that got it wrong. It now must get it right for all of us that were left out.

It is also important for me that I say I write these words as a member of the Disability community. I acknowledge that when I speak, I have the privilege of speaking for myself, and my testimony is to share my personal beliefs and understanding. I do not share the same viewpoint that some members hold of Bill C-7, and I respect and uphold the diversities (and commonalities) within this community.

There are other members of the community that share my view. Some, advocating for voices to be heard, laws to be changed, justice to begin and for the oppression to be not only acknowledged but be held equal in priority. I believe MAiD, and the work that is happening and is to be done for and by our community, do not have to be pitted against each other, but instead exist within their own right, reflecting the needs and diversities of our lived experiences.

Thank you.