

Medically Assisted Death – Legislative and Industry Update

Background

On June 17, 2016, the federal government passed Bill C-14, *which amends the Criminal Code and other acts to address the topic of medical assistance in dying*. The law describes the conditions under which seriously and hopelessly ill or dying adults may seek medical help to end their lives. While the federal legislation legalizes physician assisted deaths for all Canadians, it does not address insurance related issues.

In response to the federal government's legislation, in April of 2016, the Canadian Life and Health Insurance Association (CLHIA) provided clarity on how the industry would respond to this new law. Specifically, insurers will pay out life insurance policies in accordance with the contract and will not rely on the two-year suicide exclusion clause for persons who follow the federally legislated process for medically assisted death.

Before the CLHIA disclosed the industry's position, Quebec passed legislation that would prohibit insurers from relying upon the suicide exclusion to pay a claim when the insured's death was medically assisted.

On December 7, 2016, the Ontario government introduced Bill 84 – *Medical Assistance in Dying Statute Law Amendment Act*. The Bill – which has not yet been passed into law – states that a medically assisted death may not be invoked as a reason to deny a right or refuse a benefit or any other sum that would otherwise be provided under a contract or statute. In response to questions about Ontario's pending legislation, we are taking this opportunity to confirm Sun Life's policy with respect to medically assisted death.

What does this mean for plan sponsors?

- Sun Life has been following the CLHIA's direction across the country since it was announced last year.
- This means that Sun Life will not rely on the two-year suicide exclusion clause found in our optional life insurance policies for persons who follow the legislated process for medically assisted deaths, **regardless of whether a particular province or territory has introduced legislation to address this specific issue.**
- However, Sun Life will still have the right to investigate a claim. If the insured, for example, failed to disclose relevant medical information, then we could have a right to deny the claim.
- Basic life and critical illness insurance contracts do not have a two-year suicide exclusion clause and, as such, the law on medically-assisted deaths does not have any impact on these benefits.

Read the full CBC article [here](#).

Questions?

Contact your Sun Life Financial group benefits representative.