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CHAIR:

WITH / WITHOUT

1st SESSION, 67th GENERAL ASSEMBLY
Province of Prince Edward Island
3 CHARLES III, 2024

(Bill No. 72)

An Act to Amend the Coroners Act

Hon. Bloyce Thompson
Minister of Justice and Public Safety and Attorney General

GOVERNMENT BILL

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Acting King's Printer
Charlottetown, Prince Edward Island

**For House
Use Only**

**Prince Edward Island
Legislative Assembly**

AMENDMENTS

ASSEMBLY / SESSION / YEAR
67th General Assembly / 1st / 2024

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TITLE: An Act to Amend the Coroners Act

#	SECTION	AMENDMENT	DATE

NOTED: _____ **CERTIFIED CORRECT:** _____
COMMITTEE CLERK **CHAIR, IN COMMITTEE**



AN ACT TO AMEND THE CORONERS ACT

BILL NO. 72

2024

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. **Section 1 of the *Coroners Act* R.S.P.E.I. 1988, Cap. C-25.1, is amended by the addition of the following after clause (d):**
 - (d.1) “**medical assistance in dying**” means medical assistance in dying within the meaning of section 241.1 of the *Criminal Code* (Canada);
 - (d.2) “**nurse practitioner**” means a nurse practitioner as defined in the Registered Nurses and Registered Psychiatric Nurses Regulations (EC551/23) made under the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1;
2. **The heading immediately before section 3 of the Act is amended by the deletion of the words “PART I” and the substitution of the words “PART 1”.**
3. **The heading immediately before section 5 of the Act is amended by the deletion of the words “PART II” and the substitution of the words “PART 2”.**
4. **Section 5 of the Act is repealed and the following substituted:**
5. **Duty to notify of a death**
 - (1) Where a death has occurred in the province, or as a result of events that occurred in the province, every person shall immediately report the death to a coroner or a police officer, if the person has reason to believe that the death
 - (a) occurred as a result of violence, accident, suicide or other cause other than disease, sickness or old age;
 - (b) occurred as a result of negligence, misconduct or malpractice;
 - (c) occurred suddenly and unexpectedly when the deceased had been in apparent good health;
 - (d) occurred under circumstances in which the body is not available because the body or part of the body
 - (i) has been destroyed,

- (ii) is in a place from which it cannot be recovered, or
- (iii) cannot be located;
- (e) occurred within 10 days after a surgical procedure or while the deceased was under or recovering from anaesthesia;
- (f) occurred as a direct or immediate consequence of the deceased being engaged in employment, an occupation or a business;
- (g) was a stillbirth that occurred without the presence of a medical practitioner or a nurse practitioner;
- (h) occurred while the deceased was detained or in custody involuntarily pursuant to law in a jail, lock-up, correctional facility, medical facility or other institution;
- (i) occurred while the deceased was detained by or in the custody of a police officer;
- (j) occurred while the deceased was under the care, custody or supervision of the Director of Child Protection;
- (k) occurred in circumstances that require investigation; or
- (l) occurred in the prescribed circumstances.

Exceptions

- (2) Subject to subsection (3), subsection (1) does not apply where
 - (a) the person knows that a coroner or a police officer is already aware of the death; or
 - (b) the death occurred as a result of medical assistance in dying.

Medical assistance in dying

- (3) A medical practitioner or nurse practitioner who provides medical assistance in dying to a person shall notify a coroner of the death if the medical practitioner or nurse practitioner has reason to believe that the person who received medical assistance in dying had a grievous and irremediable medical condition caused by circumstances that were not natural.

Duty of police officer

- (4) A police officer who has knowledge of a death reportable under subsection (1) shall immediately report the death to a coroner.

Special reporting arrangements

- (5) The chief coroner may make special arrangements with persons in charge of medical facilities and correctional facilities and with the police for the efficient reporting of deaths under subsection (1) or (3).

5. The heading immediately before section 6 of the Act is amended by the deletion of the words “PART III” and the substitution of the words “PART 3”.

6. Subsection 6(1) of the Act is amended

- (a) **in the words immediately before clause (a),**
 - (i) **by the deletion of the words “subsection 5(1)” and the substitution of the words “subsection 5(1) or (3)”, and**
 - (ii) **by the deletion of the words “his or her” and the substitution of the words “the coroner’s”; and**

- (b) in clause (b),**
 - (i) by the deletion of the words “he or she” and the substitution of the words “the coroner”, and**
 - (ii) by the deletion of the words “his or her” and the substitution of the words “the coroner’s”.**
- 7. Section 7 of the Act is amended in the words immediately before clause (a), by the deletion of the words “subsection 5(1)” and the substitution of the words “subsection 5(1) or (3)”.**
- 8. Clause 8(1)(b) of the Act is amended by the deletion of the words “his or her” and the substitution of the words “the deceased’s”.**
- 9. (1) Subsection 14(1) of the Act is amended**
 - (a) by the deletion of the words “his or her” and the substitution of the words “the officer’s”; and**
 - (b) by the deletion of the words “so directs” and the substitution of the words “provides direction to do so”.**
- (2) Subsection 14(2) of the Act is amended by the deletion of the words “he or she” and the substitution of the words “the coroner”.**
- 10. The heading immediately before section 17 of the Act is amended by the deletion of the words “PART IV” and the substitution of the words “PART 4”.**
- 11. Clause 17(a) of the Act is amended by the deletion of the words “he or she” and the substitution of the words “the deceased”.**
- 12. The heading immediately before section 22 of the Act is amended by the deletion of the words “PART V” and the substitution of the words “PART 5”.**
- 13. Section 25 of the Act is amended**
 - (a) in subsection (1), by the deletion of the words “his or her” and the substitution of the words “that person’s”; and**
 - (b) in subsection (2), by the deletion of the words “his or her” and the substitution of the words “the owner’s”.**
- 14. The heading immediately before section 29 of the Act is amended by the deletion of the words “PART VI” and the substitution of the words “PART 6”.**

15. **Section 33 of the Act is amended by the addition of the following after subsection (2):**
- Publication or broadcast, medical assistance in dying**
- (3) Where a coroner holds an inquest in relation to a death that occurred as a result of medical assistance in dying, the coroner may order that no evidence of the proceedings be published or broadcast without the coroner's permission other than the name, address and occupation of the deceased, the fact that an inquest has been held and that the death occurred as a result of medical assistance in dying.
16. **The heading immediately before section 38 of the Act is amended by the deletion of the words "PART VII" and the substitution of the words "PART 7".**
17. **Subsection 40(2) of the Act is amended by the deletion of the words "his or her" wherever they occur and the substitution of the words "the witness".**
18. **Subsection 48(2) of the Act is amended by the deletion of the words "that he or she will" and the substitution of the word "to".**
19. **The heading immediately before section 49 of the Act is amended by the deletion of the words "PART VIII" and the substitution of the words "PART 8".**
20. **The heading immediately before section 53 of the Act is amended by the deletion of the words "PART IX" and the substitution of the words "PART 9".**
21. **Clause 54(d) of the Act is amended by the deletion of the words "duly qualified medical practitioner" and the substitution of the words "medical practitioner, nurse practitioner".**
22. **Section 56 of the Act is amended by the addition of the following after clause (a):**
- (a.1) prescribing circumstances under which a death is reportable for the purposes of clause 5(1)(l);

EXPLANATORY NOTES

SECTION 1 amends section 1 of the *Coroners Act* R.S.P.E.I. 1988, Cap. C-25.1, to add definitions for “medical assistance in dying” and “nurse practitioner”.

SECTIONS 2 and 3 amend the headings immediately before sections 3 and 5 of the Act, respectively, to delete the Roman numerals “I” and “II” substitute the standard numerals “1” and “2”.

SECTION 4 amends section 5 of the Act to

- (a) clarify that a stillbirth does not need to be reported to a coroner or a police officer if the stillbirth occurred in the presence of a medical practitioner or a nurse practitioner;
- (b) add a new provision requiring every person to report a death to a coroner or a police officer if the person has reason to believe that the death occurred in circumstances prescribed in the regulations; and
- (c) require a medical practitioner or nurse practitioner who provides medical assistance in dying to report the resulting death to a coroner if the medical practitioner or nurse practitioner has reason to believe that the person who was provided medical assistance in dying suffered from a grievous and irremediable medical condition caused by circumstances that were not natural.

SECTION 5 amends the heading immediately before section 6 of the Act to delete the Roman numeral “III” and substitute the standard numeral “3”.

SECTION 6 amends subsection 6(1) of the Act to eliminate gendered wording and to replace a reference to “subsection 5(1)” with a reference to “subsection 5(1) or (3)”.

SECTION 7 amends section 7 of the Act to replace a reference to “subsection 5(1)” with a reference to “subsection 5(1) or (3)”.

SECTION 8 amends clause 8(1)(b) of the Act to update the wording in this clause, in part by eliminating the use of gendered wording.

SECTION 9 amends section 14 of the Act to update the wording in this section.

SECTION 10 amends the heading immediately before section 17 of the Act to delete the Roman numeral “IV” and substitute the standard numeral “4”.

SECTION 11 amends clause 17(a) of the Act to eliminate gendered wording.

SECTION 12 amends the heading immediately before section 22 of the Act to delete the Roman numeral “V” and substitute the standard numeral “5”.

SECTION 13 amends section 25 of the Act to eliminate gendered wording.

SECTION 14 amends the heading immediately before section 29 of the Act to delete the Roman numeral “VI” and substitute the standard numeral “6”.

SECTION 15 amends section 33 of the Act, to add a new subsection (3) under which a coroner holding an inquest in relation to a death that occurred as a result of medical assistance in dying may, by order, limit the evidence of the proceedings that may be published or broadcast.

SECTION 16 amends the heading immediately before section 38 of the Act to delete the Roman numeral “VII” and substitute the standard numeral “7”.

SECTIONS 17 and 18 amend subsections 40(2) and 48(2) of the Act, respectively, to eliminate gendered wording.

SECTION 19 amends the heading immediately before section 49 of the Act to delete the Roman numeral “VIII” and substitute the standard numeral “8”.

SECTION 20 amends the heading immediately before section 53 of the Act to delete the Roman numeral “IX” and substitute the standard numeral “9”.

SECTION 21 amends clause 54(d) of the Act to eliminate unnecessary wording and include reports signed by nurse practitioners.

SECTION 22 amends section 56 of the Act to add a regulation-making authority that allows for the Lieutenant Governor in Council to prescribe circumstances under which a death is reportable for the purposes of clause 5(1)(l) of the Act.

(Bill No. 72)

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<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	November 5, 2024
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Dr. Wassim Salamoun, Lieutenant Governor

Honourable Darlene Compton, Speaker

Joseph Jeffrey, Clerk

Hon. Bloyce Thompson
Minister of Justice and Public Safety and Attorney General

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