

April 5, 2019

Will Amos, Liberal MP for Pontiac
490 Route 105, Room 250
Chelsea, Québec
J9B 1L2

Dear Mr. Amos,

Community Deathcare Québec is an emerging non-profit group representing the needs and interests of Québec citizens who seek to re-engage with dying and deathcare. Our focus is to address Québec laws and regulations that currently limit the rights of next of kin to provide direct care for their loved ones after death.

A full-service conventional funeral often costs more than \$10,000. By contrast, a household willing to file the correct paperwork and transport the deceased to a crematorium or cemetery themselves can spend less than \$750. Québec citizens choosing to be self-sufficient when a death occurs should not be prevented from doing so by laws that compel them to mandatorily hire the funeral industry.

In all other provinces of Canada, families retain the legal option to provide after-death care for next-of-kin independent of the funeral industry. Few occasions are as trying or intimate for any family as a death; it is especially unfortunate that Québec families are, under these circumstances, required to retain a third party to carry out what they themselves may prefer to do. While it is true that a majority of Québec families will elect to rely on funeral directors to provide complete deathcare arrangements, the civil rights of individuals who choose to proceed independently must be respected.

Until the nineteenth century, the Canadian funeral was almost exclusively an intimate affair. Family and close friends performed most deathcare duties, including washing and laying out the body, building the coffin and digging the grave. Over time, the funeral industry developed practices and recommendations that have become accepted as the norm. Although many rural and less affluent families, along with certain religious and cultural groups, have continued to care for their own after death, the vast majority of families have lost touch with traditional methods and values.

In recent years, a growing number of Canadians have sought to return to these customs – customs our great-grandparents would instantly recognize and consider a natural part of family life. We contend that it is the role of the Québec government to assist citizens in this effort.

In conclusion, we ask that Québec legislators and policymakers modify funeral legislation to accommodate a family's choice to determine the manner in which they wish to care for their deceased loved ones.

Sincerely,

Community Deathcare Québec

Laws & Regulations Appendix

Civil Code of Québec

A person of full age may determine the nature of his funeral and the disposal of his body.....
In absence of wishes expressed by the deceased, the wishes of the heirs or successors prevail¹

The following are laws and regulations unique to Québec impeding families' provision of direct care for loved ones after death:

Inability to obtain a Declaration of Death form

Whether intentionally or inadvertently, Québec families are shut out of governmental death registration. By law, the Declaration of Death must be completed by the deceased's family, yet this form is not available to anyone other than funeral directors. Requests to the Directeur de l'état civil for the form have been met with an unwillingness to release it and repeated refusals to explain the legal reasons for this.

Denial of the possibility of a non-embalmed visitation

Many cultures, religions and spiritual traditions are required to carry out vigils over several days with an un-embalmed body. Québec's Funeral Operations Act currently prohibits this possibility². Why is Québec the only province in Canada that believes a dead body is so unsafe? According to Dr. Michael Osterholm of the Center for Infectious Disease Policy and Research, "The mere presence of a dead body without regard to its embalmed status and one that is not leaking blood from an open wound or perforation or *has dried blood on the skin**, does not pose any increased risk of infectious disease transmission for the person who might handle that body or review it in a private setting. Once a human dies, infectious agents that would be of any concern, including those on the individual's skin or internal organs, is greatly diminished....there simply is not measurable risk of that body transmitting an infectious disease agent. The use of embalming is of no consequence in reducing the risk"³ (*Dried blood reference was added recently by Dr. Michael Osterholm due to Ebola virus in some parts of the world. At present Ebola is not a threat in North America.)

Transportation of deceased not permitted by other than a funeral service operation

A body may be transported only by a funeral services business or another transportation services provider that is acting under a contract entered into with a funeral services business.⁴

Shroud-Only Burial Prohibited

Since August 2018 it is illegal to bury a body in a shroud only and the deceased must be interred in a casket⁵

References

1. Civil Code of Québec, Chapter IV.42
2. Regulations respecting the application of the Act respecting medical laboratories organ and tissue conservation and the disposal of human bodies, Chapter III, Division I.51
3. Dr. Michael Osterholm, Center for Infectious Disease Policy and Research (CIDRAP), letter to Minnesota Honorable Representative Carolyn Laine on embalming and public health, <http://douze.com/~joe/SCMQ-CDQ/images/DrOsterholmLetterEmbalmingMinnesota2010copy.pdf>
4. Funeral Operations Act, Chapter III, Division VII.64
5. Regulation respecting the application of the Funeral Operations Act, Chapter IV, Division VI.110