

**"Source: *Criteria for the Determination of Death,*
*Report 15, 1981.***

**Department of Justice Canada. Reproduced
with the permission of the Minister of Public
Works and Government Services Canada, 2007."**

Table of Contents

| | |
|---------------------------------------------------------------------------|----|
| FOREWORD | 1 |
| INTRODUCTION | 3 |
| FIRST PART: The Advisability of a Legislative Solution | 5 |
| Three Solutions | 7 |
| I. Determination by a purely medical decision | 7 |
| II. Determination by judicial precedent | 8 |
| III. Determination by legislation | 10 |
| SECOND PART: The Proposed Legislation | 13 |
| I. The legislative text | 15 |
| A. Cerebral death and brain death | 15 |
| B. Cerebral functions and cerebral activities | 16 |
| C. The importance of the second and third paragraphs | 17 |
| D. Possible changes to the first paragraph | 18 |
| E. Possible changes to the second paragraph | 19 |
| F. Possible changes to the third paragraph | 20 |
| II. The location of the proposed text in the present legislation | 23 |
| THIRD PART: Legislative Notes | 27 |
| APPENDIX | 33 |