



**nhppa.org**  
NATURAL HEALTH PRODUCTS  
PROTECTION ASSOCIATION

*There's more than one way of looking at health*

## **Bill C-51 Must be Stopped NOT Amended**

The NHPPA has fielded many inquiries concerning whether Bill C-51 should be stopped or amended. Because of the tremendous threat posed by Bill C-51 the NHPPA is taking the position that:

- Bill C-51 must be stopped, not amended, and
- The “Amend” Bill C-51 campaign threatens to undermine the Stop Bill C-51 efforts and permit Bill C-51 to pass with only superficial amendments.

## **Bill C-51 is too Dangerous to Take Chances With**

Bill C-51 is the most significant threat to the Natural Health Community in generations. Some of the problems with Bill C-51 include:

- It is an offence not to follow the instructions of a Health Canada Inspector regardless of whether that direction creates a health risk. Natural Health Practitioners who are told to stop providing a treatment will be committing an offence if they continue to help their patients. Manufacturers of Natural Health Products will be committing an offence if they continue to provide products people rely upon for their health. In effect, Bill C-51 enables Inspectors without medical training to make health decisions;
- the scope of the definition of “sell” is expanded in a manner that will include single sales of compounded NHPs by natural health practitioners;
- trade agreements and foreign laws can be imposed without Parliamentary scrutiny;
- Pre-approval by Health Canada of all “therapeutic products” regardless of risk profile becomes mandatory. Exceptions are only by regulation on a single narrow ground;

- Fines for violations are increased by unprecedented factors of 500 and 1000 times. Directors and officers are made personally liable. Few in the NHP Community could survive a prosecution if Bill C-51 passes;
- Inspectors can seize private property for any reason, for any length of time, and without judicial oversight or pre-approval;
- Inspectors can destroy seized property without Court approval;
- Property owners are liable for seizure, transportation and destruction costs regardless of whether the seizure and destruction was justified.

For a detailed analysis of Bill C-51 see our Discussion Paper at [www.nhppa.org](http://www.nhppa.org).

Considering that Bill C-51 poses such a serious risk to the Natural Health Community, the NHPPA is taking the position that **no strategy should be adopted that could permit the Bill to pass.**

## **“Amend” Means you Support Bill C-51**

Many Bills that pass into law are amended. The Government introduces a Bill. If it is supported by the public it will eventually pass with amendments caused by public input as to how to make the popular Bill better. **The Government expects popular Bills to be amended.**

When you ask for an amendment you are communicating that you support the Bill but that you want to make it better with some amendments.

The NHPPA is very concerned that if you communicate to the Government that you want Bill C-51 amended that:

- **You are communicating support for Bill C-51.** You are communicating that you want the Bill to pass with amendments – that is what a call to “amend” is. When you say you want to “amend” a Bill you are communicating that you want it to pass. It is a vote for the Bill. **If the government does not pass the Bill with amendments it is going against your wishes;**
- **You are sending a meaningless message.** When you communicate that you want the Bill to pass with amendments you create confusion. Most citizens will not have the time or expertise to communicate how they want the Bill amended. Their efforts to “do something” to protect the Natural Health Community will be wasted by communicating an unclear message.

## **A House Divided Cannot Stand**

The NHPPA is hard pressed to find any part of Bill C-51 which is not detrimental to the Natural Health Community. The only part of Bill C-51 the NHPPA supports is the abolition of s. 3 of the *Food and Drugs Act*. Section 3 is the part which prohibits any claims for a list of conditions found in Schedule A of the Act. However, Health Canada is already aware that s. 3 is unconstitutional and drops s. 3 charges in Court whenever a constitutional challenge is filed. Further CanWest Communications is currently challenging s. 3 in Court and the NHPPA expects s. 3 to be declared unconstitutional.

In short, the NHPPA finds no reason to support Bill C-51 by asking for amendments. Bill C-51 is a dangerous Bill that must be stopped. The Natural Health Community needs to adopt a strategy to ensure Bill C-51 is stopped.

**A house divided cannot stand. The Natural Health Community is currently divided in its strategy concerning Bill C-51.** Whereas there is general agreement Bill C-51 poses a significant threat to the Natural Health Community, there are currently two competing strategies to address this threat:

- 1) Stop the Bill, and
- 2) Amend the Bill.

**It must be understood that both these strategies send different conflicting messages.** The Natural Health Community is currently sending mixed messages on the most important issue it has faced in generations.

The NHPPA is very concerned about the failure of the Natural Health Community to send a single unambiguous message on such an important issue.

## **Right Issue – Wrong Strategy**

Some are viewing Bill C-51 as an opportunity to get Natural Health Products put into a third category so that they will not remain as a subset of “drugs” under the *Food and Drugs Act*. The NHPPA supports the creation of a separate third category and is working on building a consensus to bring this about. **The NHPPA does not view the “amendment” of Bill C-51 as a viable or appropriate strategy to bring about a third category.** For example:

- The NHPPA is concerned that it may not be legally possible to make the third category amendment. Bill C-420 serves as an illustration. Bill C-420 sought to move NHPs from the “drug” category into the “food” category (as in the United States). While in Committee (i.e. the “amend” stage) the Bloc Quebecois wanted to “amend” Bill C-420 to create a third category. Our understanding is that Bill C-420 failed in Committee because this was too significant of an amendment. To accomplish a third category Bill C-420 would have to be withdrawn (i.e. stopped) and a new Bill introduced;
- If a third category can be legally added as an amendment, **why would anyone presume the strategy to “amend” Bill C-51 would succeed?** Neither of the two largest parties, the Conservatives or the Liberals support a third category. At first reading there was broad multi-party support for Bill C-51. The NHPPA is concerned that Canadians are being naïve in presuming there is a realistic chance to get a third category added to Bill C-51. **If the NHPPA is correct with this concern, then the movement to stop Bill C-51 is being undermined by an “amend” campaign that has virtually no chance of obtaining a third category.**

## **If Bill C-51 is Amended, We Still Have an Amended Bill C-51**

In the very unlikely situation that Bill C-51 was amended to add a third category, we are still left with the other provisions of Bill C-51 which will remain the most significant threat to the Natural Health Community in generations.

Health Canada Inspectors will be able to use the powers in Bill C-51 to remove Natural Health Products from the market. It will be no solace to those of us who depend on them to say that at least the extinct products were in a separate third category before they were taken away. Similarly manufacturers, distributors and retailers that have been destroyed and whose directors, officers and managers have been personally bankrupted will probably not be comforted with the knowledge that they were destroyed helping Canadians with products in a separate third category.

Bill C-51 needs to be stopped. After it is stopped the Natural Health Community needs to press for a third category and a reasonable regulatory environment.