

## **Meeting with Mr. Don Davies, NDP Health Critic and MP for Vancouver Kingsway**

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On April 1, 2017, there was a public forum on the regulation of natural health products put on by the NDP Health Critic Don Davies. Mr. Davies is the MP for Vancouver Kingsway. I attended the forum to meet with Mr. Davies, and to hear the public input.

The timing of the forum could not have been better. Health Canada had just announced their second round of “consultations” on their still vague plan to regulate natural health products in the same way as other drugs. For more on this issue see the NHPPA discussion paper at <http://bit.ly/2mPZact>. When the proposed changes are actually brought forward, it will be essential to understand the public mood, and to have healthy dialogues with the MPs on the Standing Committee on Health.

I found Mr. Davies to be understanding of the passion Canadians have concerning natural health products. In a private meeting I had with him, he was genuinely interested in hearing my perspective on several of the issues surrounding the regulation of natural health products. I could not say what the NHPPA position is on the upcoming changes, as the actual changes have not been released. As mentioned in the NHPPA discussion paper, some of the changes could be positive, although there is cause for serious concern based on what Health Canada has said.

The opposition parties like the NDP are in the same position as the NHPPA. They cannot say what their position is on changes that have not been released. I am hopeful based on my discussions with Mr. Davies that the NDP will take a position on the upcoming changes that is consistent with Canadian’s desire to continue to access natural health products. If you recall during the old Bill C-51 fight concerning the regulation of natural health products, both opposition parties (then the NDP and the Liberals) at first supported Bill C-51. It was not until it was clear that the public was against the Bill that both opposition parties reversed their positions to oppose the Bill.

In speaking with Mr. Davies, and with others at the forum, I was left with the impression that some feel that the proposed changes will come in the form of changes to the *Food and Drugs Act* Regulations. If this is how the changes are brought in, it would fulfill a warning the NHPPA flagged in a discussion paper on Bill C-17.

Following the defeat of Bill C-51, Health Canada knew that it would create another public backlash to try and impose the harsh Bill C-51 penalties and powers upon the NHP community. To get around this, but to incrementally proceed with their agenda, Bill C-17 was introduced on April 8, 2008. The new powers and penalties in Bill C-17 cleverly did not apply to natural health products. However, the Bill was drafted in a way that left the NHP community vulnerable in the future. As the Health Canada Consultation Paper discussed above makes clear, **that future is now**.

The following is an excerpt from the 2008 NHPPA Discussion Paper on Bill C-17:

**Re-introduction of the term “therapeutic product” – the olive branch and the potential Trojan Horse**

Bill C-17 creates the following definition of “therapeutic product”:

“therapeutic product” means a drug or device or any combination of drugs and devices, but does not include a natural health product within the meaning of the *Natural Health Products Regulations*”.

As discussed below, the Bill goes on to give the Minister significant powers in relation to therapeutic products. It also creates new offences concerning therapeutic products with dramatically higher penalties than are currently in the *Food and Drugs Act*.

**Whether this Bill affects natural health products depends upon the “therapeutic product” definition.** The definition does not currently apply to natural health products, but the way it is written leaves a back door, like that in a Trojan Horse, that could come back to haunt us. This back door would be closed if Bill C-17:

added the current definition of natural health product into the *Food and Drugs Act*, and defined “therapeutic product” as:

“therapeutic product” means a drug or device or any combination of drugs and devices, but does not include a natural health product”

If the definition of natural health product was put into the Act, the definition could not be changed without an amendment to the Act. In that way, if the Government wanted to change the law to make the strong powers and harsh penalties in Bill C-17 apply to natural health products, they would have to amend the Act. This would require three readings in the House of Commons and three readings in the Senate. There would be ample opportunity for citizens to communicate to the law makers that they do not want these changes. That was the protection that stopped Bill C-51.

If Bill C-17 passes, we do not have the protection of the Government having to change an Act to affect natural health products. Rather, all they have to do is change a regulation.



The definition of “natural health product” referred to in the “therapeutic product” definition, is only a regulation. Regulations can be changed by simply publishing the change twice in the *Canada Gazette*. There are no votes by either the House of Commons or the Senate to regulation changes. Even an unpopular minority government can change regulations with impunity.

The potential danger of Bill C-17 is that Canadians will not take any notice because the return of the Bill C-51 powers and penalties it represents do not appear to apply to natural health products. The Bill could easily pass because the public does not care. Later even a minority government can apply the Bill C-17 provisions to natural health products by simply changing or abolishing the natural health product definition in the regulations.

Now in 2017, the problem we identified in C-17, may be the means by which the changes are imposed.

The NHPPA has maintained that Health Canada’s eventual strategy would be to change the law so that the penalties and powers in Bill C-17 would apply to NHPs. That call is coming true.

We are at a time where it is essential to be prepared to bring political pressure when the proposed changes are released. This is going to require staff time that can only occur if we get the funding for it. As with Bill C-51, we anticipate a fight that will be crucial on the issue of you being able to access effective supplements in the future. We will need to be ready. We have not put out a call for general funding for years. Please respond to this call.