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NATURAL HEALTH PRODUCTS  
PROTECTION ASSOCIATION

## THE CHARTER OF HEALTH FREEDOM COULD STOP THE CRIMINALIZATION OF OUR NATURAL HEALTH PRODUCTS AND END THE REGULATORY CRISIS.

The Charter of Health Freedom is a proposed law drafted by Shawn Buckley, a constitutional lawyer with expertise in the Foods and Drug Act. The Charter of Health Freedom honours the 53 recommendations that the Canadian public asked for, and won, in 1999. These recommendations were



accepted by Parliament. Canadians said they wanted continued and increased access to the natural health products (NHPs). They were a result of coast to coast hearings by a committee the Government formed to find out what people wanted. After some time, this committee concluded that natural remedies should not be regulated as dangerous synthetic drugs since they are neither dangerous, nor synthetic. It was accepted that they need a category of their own.

After several years of considering what they had learned from the hearings, Health Canada came out with a new policy: *Regulate NHPs with Drug-style regulations*. The dismantling of the industry is the inevitable result of the regulations as they are currently written.

## A NATURAL HEALTH PRODUCT LAW

The **Charter of Health Freedom** is a proposed legislation that gives NHPs their own Act. It creates a third category for NHPs; separate from the Drug category that they are currently a part of. It proposes the definition and regulation of NHPs be elevated to a peer basis with Drugs.

The **Charter of Health Freedom** considers people first. Not profits, corporate interest or trade agreements. It was developed specifically to protect NHPs and the Canadian consumers who use them. It envisions a health care system to be fully sustainable, culturally diverse and encompass natural, traditional and conventional medicine.

The **Charter of Health Freedom** offers an appropriate, healthy, beneficial, safe and well-rooted change for regulating the nation's NHP industry; permanently.

The **Charter of Health Freedom** is a reminder to exercise the rights and freedoms we enjoy as Canadians. It is a change that meets today's greatly shifting values and ethics. It assumes natural health products are safe. That they are innocent until proven guilty.

## THE CHARTER OF HEALTH FREEDOM IS CONSISTENT WITH THE PERSONAL RIGHTS CANADA'S COURTS SAY WE HAVE:

1. "Security of the person" must include a right of access to treatment for a medical condition representing a danger to life or health without fear of criminal sanction.
- 2.... the right to life, liberty and security of the person relates to one's physical or mental integrity and one's control over these...
- 3... that security of the person, by its nature, cannot encompass a right to take action [not even by the state] that will end one's life as security of the person is intrinsically concerned with the well-being of the living person.

## TWO SETS OF RULES

We need a balanced set of laws for NHPs and the natural health community. We need a legal foundation designed to protect NHPs and the natural health community. We can't experience the health freedom that the courts tell us we have if there is restricted access to safe, effective and high quality NHPs.

The **Charter of Health Freedom** gives the government powers needed to address safety concerns while at the same time charging them to respect our rights and freedoms.

## PRODUCTS VS PRACTICE

**The Charter of Health Freedom is a Federal Law.** The federal government does not have the jurisdiction to regulate health care practitioners. This is why provinces regulate health issues such as who can practice as health care practitioners. Because the Federal Government does not have the jurisdiction to regulate health care practitioners, **The Charter of Health Freedom** does not attempt to do so. The effect the Charter will have on health care practitioners is to ensure that safe and effective treatments remain available to them.

## KEEPING OUR OPTIONS OPEN

**The Charter of Health Freedom** is about the legal sovereignty you have over your body as a Canadian. It is about protecting your right to decide how you will maintain your health or address a health crisis by protecting your treatment options. It is about protecting our fundamental right to choose how we or our children will be treated when sick or injured. It is about protecting our safety by ensuring that we can continue to access treatments we can rely on.

## GRASSROOTS MOVEMENT

**The Charter of Health Freedom** is supported by a broad cross-section of Canadians, including NHP consumers/citizens, Western Herbalists, Ayurvedic and Chinese Traditional Medicine Doctors, First Nations Medicines, NHP Manufacturers, Retailers, Distributors, Multi-disciplinary/Cultural Practitioners and NGOs.

**The Charter of Health Freedom** seeks to ensure that the rights guaranteed to Canadians in our Constitution and our common law heritage aren't extinguished by actions, well-intentioned or otherwise, of any governments, domestic or foreign.

The principles of **The Charter of Health Freedom** are universal in nature, but the language is specific to the Canadian legal/constitutional system. It reaffirms in law the long-standing relationship citizens of our great nation have enjoyed with government as a servant, rather than master in our affairs.

## SIGNS OF TIGHTENING

NHPs we rely on for our health are being taken away from us in unprecedented numbers. The number of lost NHPs is measured in the tens of thousands and increasing. The imposition of the drug model which is intended and designed to restrict access is, unsurprisingly, restricting our access. If our children are going to experience the same health freedoms we have enjoyed, we will have to act.

We envision this health care system to be fully sustainable, culturally diverse and encompass natural, traditional and conventional medicine. We envision a health care system that respects our legal and ancestral rights. **The Charter of Health Freedom** has the potential to set us apart as one of the most progressive countries in the world introducing its visionary proposal; The Ministry of Wellness.

## THE MINISTRY OF WELLNESS

**The Ministry of Wellness** has been put forward as an alternative, and partner, to the current Ministry of Health/Health Canada. Given the track records and differences between conventional medicine and natural medicine, it is quite evident that they should be regulated separately.

**The Ministry of Wellness** would therefore oversee natural medicines, therapies and treatments and natural healing arts while The Ministry of Health/Health Canada would oversee conventional medicine. **The Minister of Wellness** would be restricted to regulating the NHP industry. This concept is unique to Canada and would serve as a solution that would accommodate all parties and honour the multiple Supreme Court of Canada decisions which consistently reinforce the notion of sovereignty over one's body.

With a new Charter and a new Ministry we can expect a broad-based health care system in which Canadians would be free to choose what form of health maintenance, prevention or crisis treatment they would like to receive and could have confidence in knowing that both are being regulated well.

## ECONOMICS

The greatest crisis facing Canadians in our health care system is the growing tension between constantly rising costs and declining outcomes. When Canadians use NHPs they ease the burden on the health care system. This deserves to be recognized by our Members of Parliament.

Why is it not public policy to support such tendencies, Dollar against dollar, measure against measure – benefits, adverse effects, compliance - NHPs deliver a better return on investment than drugs. It should be the case that the widest possible use of NHPs is formally promoted.

## A NATURAL ACT

NHPs and Traditional Medicine cannot be safeguarded under the Food and Drugs Act. The natural health community needs a separate act. If the tobacco industry was permitted to protect itself from drug regulation in 1997 by forming the Tobacco Act, so too can safe and effective NHPs and traditional medicine be permitted protection in a similar fashion. This new federal legislation serves to include all natural medicines, therapies and treatments. It is built on the fundamental belief that every person has the right to choose what form of health care they and their family wish to receive.

## INTERACTIVE CHARTER

We understand that not all of us are lawyers, politicians or NHP stakeholders, so we made understanding the Charter as easy as possible. We have inserted video clips next to each section of the Charter on our website so that you can watch the Charter be explained by Shawn Buckley.