

An Act to amend the *Budget Implementation Act, 2023, No. 1* and the *Food and Drugs Act*.

SUMMARY

This enactment repeals sections 500 to 504 of the *Budget Implementation Act, 2023, No. 1*, deems that the *therapeutic product* sections of the *Food and Drugs Act* never applied to natural health products, amends the definition of *therapeutic product* in the *Food and Drugs Act*, repeals section 21.321, and amends section 21.8 of the *Food and Drugs Act*.

An Act to amend the *Budget Implementation Act, 2023, No. 1* and the *Food and Drugs Act*.

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Sections 500 to 504 of the *Budget Implementation Act, 2023, No. 1* are repealed.
2. Notwithstanding sections 43 and 44 of the *Interpretation Act*, the *therapeutic product* provisions of the *Food and Drugs Act*, and sections 31.2 and 31.4 to 31.7 of the *Food and Drugs Act* shall be deemed to have never applied to natural health products within the meaning of the *Natural Health Products Regulations*.
3. The definition of *therapeutic product* in section 2 of the *Food and Drugs Act* is replaced by the following:

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*; (produit thérapeutique).
4. Section 21.321 of the *Food and Drugs Act* is repealed.
5. Section 21.8 of the *Food and Drugs Act* is replaced with:

21.8 A prescribed health care institution shall provide the Minister, within the prescribed time and in the prescribed manner, with prescribed information that is in its control about a serious adverse drug reaction that involves a therapeutic product or a medical device incident that involves a therapeutic product.

EXPLANATORY NOTES - not part of the Bill

The intention of the Bill is to roll back sections 500-504 of the *Budget Implementation Act, 2023, No. 1* (formerly Bill C-47) so that:

1. the Food and Drugs Act as it applies to natural health products is returned to how it was on June 21, 2023, before Bill C-47 became law, and
2. to ensure that any penalties, orders, etc. that accrued/occurred while the therapeutic product provisions did apply to natural health products are undone.

Although the intention is to repeal sections 500-504 of the *Budget Implementation Act, 2023, No. 1* (formerly Bill C-47), because of sections 43 and 44 of the *Interpretation Act* it is necessary to amend the *Food and Drugs Act* to return it to its wording as it was up to June 22, 2023. Sections 43 and 44 can be found at the following link:

<https://laws.justice.gc.ca/eng/acts/I-21/page-3.html#h-279607>

Section 1 of *An Act to implement certain provisions of the budget tabled in Parliament on March 28, 2023, S.C. 2023, c. 26* gives the short title of the act as the *Budget Implementation Act, 2023, No. 1*.

Section 1

Repeals sections 500-504 of the *Budget Implementation Act, 2023, No. 1*.

Section 2

Ensures that any penalties, orders, etc. that accrued/occurred while the therapeutic product provisions did apply to natural health products are undone.

Note that all of the normal powers and penalties that applied to natural health products up to June 21, 2023, remain in place.

Section 3

Returns the definition of *therapeutic product* to the wording that was in the *Food and Drugs Act* up to June 22, 2023. It was the change of definition in the *Budget Implementation Act, 2023, No. 1* that made the therapeutic product provisions in the *Food and Drugs Act* apply to natural health products.

Section 4

Repeals section 21.321 of the *Food and Drugs Act*. This section was added by the *Budget Implementation Act, 2023, No. 1* so that sections 21.31 and 21.32 would not yet apply to natural health products. This is an unnecessary section with the return of the former definition of *therapeutic product*.

Section 5

This section returns section 21.8 to the wording that was in the *Food and Drugs Act* up to June 22, 2023. The *Budget Implementation Act, 2023, No. 1* added subsection 21.8(2) to delay the application of 21.8 to natural health products. This addition is unnecessary with the return of the former definition of *therapeutic product*.

Questions

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