



# Amendment Alert: The NDP's Silent Sabotage of Bill C-368

## Summary:

### Here is why we need your urgent help:

1. in June 2023 Health Canada moved natural health products into the therapeutic product category in the Food and Drugs Act. Now natural health companies and practitioners are subject to five million dollar a day fines and unreasonable Health Canada powers that are meant for dangerous chemical drugs and large pharmaceutical companies;
2. Canadians have banded together to reverse this. MP Blaine Calkins introduced Bill C-368 to reverse the changes. With massive support led by the NHPPA, Canadians created enough political pressure to get this Private Member's Bill into the Committee Stage. This is almost unheard of;
3. on November 21, 2024, NDP Health Critic Peter Julian introduced an amendment to Bill C-368 which will make the Bill meaningless. If the amendment is passed, NHPs will still be subject to the powers and penalties that will be used to destroy natural health companies and practitioners. This is part of Health Canada's Self-Care-Framework which is designed to take away our natural health products;
4. **we need to urgently stop this amendment.** We need you to put pressure on MP Peter Julian and every NDP Member of Parliament so that the NDP party backs down and supports Bill C-368 without any changes;
5. we need you to put pressure on every member of the Standing Committee on Health to reject the amendment.

## Urgent Call to Action - NDP Health Critic Peter Julian is attempting to ruin Bill C-368



## **You have fought hard to support Bill C-368 to protect natural health products. The NDP is attempting to ruin your work.**

In the 2023 Federal Budget Bill the Government snuck changes to the *Food and Drugs Act*. These changes moved natural health products (“NHPs”) into what is called the *therapeutic product* category. One change is that NHP companies and practitioners, such as naturopathic doctors, are now subject to the large five million dollar a day fines that are meant for large pharmaceutical companies. NHP companies and practitioners also become liable to unreasonable Health Canada powers. For more information see the “Increased Health Canada Powers” section (Part 2) in the NHPPA [Discussion Paper on Health Canada Initiatives](#).

Canadians first started fighting to keep NHPs out of the *therapeutic products* category back in 2008 with the infamous Bill C-51. You have kept fighting and you supported MP Blaine Calkins as he introduced Bill C-368 to move NHPs back out of the *therapeutic products* category.

With your support, Bill C-368 passed Second Reading in the House of Commons and is currently in the Committee Stage. This is the stage where the Standing Committee on Health reviews the Bill and determines if any changes should be made before a final vote on the Bill (called Third Reading).

On November 21, NDP Health Critic Peter Julian tried to get an amendment made at the Committee that would render the Bill meaningless. **We need your immediate help to stop this.** The NDP and the Liberals must know that you do not support the amendment.

## **The Amendment renders the Bill meaningless and undermines all of your efforts to get NHPs out of the therapeutic products category**

The *therapeutic products* category in the Food and Drugs Act is extensive. It has the following parts:

- (1) **sixteen sections giving Health Canada powers.** These sections are sections: 21.1; 21.2; 21.3; 21.301; 21.302; 21.303; 21.31; 21.32; 21.321; 21.33; 21.4; 21.5; 21.6; 21.7; 21.71; 21.8 (we are not counting sections 21.9; 21.91; 21.92; 21.93; 21.94; 21.95, and 21.96 because they apply to *advanced therapeutic products* and no NHP has been added to Schedule G);



- (2) **extensive powers to make regulations.** Section 30(1.2) lists eighteen additional regulation making powers concerning *therapeutic products*, and
- (3) **penalty provisions.** There are five penalty provisions that only apply to *therapeutic products*, they are: 31.2; 31.4; 31.5; 31.6, and 31.7. It is here that the five million dollar a day fines are found, along with other penalty provisions.

Bill C-368 seeks to remove natural health products from all of the above provisions. Please note: prior to June of 2023, NHPs were not subject to any of these provisions. Bill C-368 simply moves us back to where Canadians have fought for us to be since 2008.

## **Four therapeutic product provisions do not apply to natural health products**

It should be noted that four of the *therapeutic product* provisions listed above do not apply to NHPs. They are:

- (1) **section 21.31.** Section 21.321 exempts NHPs from the application of section 21.31;
- (2) **section 21.32.** Section 21.321 exempts NHPs from the application of section 21.32;
- (3) **section 21.7.** Section 21.7 reads:

21.7 The holder of a therapeutic product authorization shall comply with any terms and conditions of the authorization that are imposed by the Minister under subsection 21.92(3) or under regulations made under paragraph 30(1.2)(b).

This section does not currently apply to NHPs. Subsection 21.92(3) applies to *advanced therapeutic products*. Currently there are no NHPs classed as *advanced therapeutic products*. There are currently no regulations made under paragraph 30(1.2)(b) that would apply to NHPs<sup>1</sup>.

- (4) **section 21.71.** Section 21.71 reads:

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<sup>1</sup>Regulations C.01.014.6; C.01.050; C.01.052; C.01.053; C.08.006 do not apply to NHPs.



21.71 The holder of a therapeutic product authorization referred to in paragraph 30(1.2)(c) shall ensure that prescribed information concerning the clinical trial is made public within the prescribed time and in the prescribed manner.

This section means that “if” there were regulations requiring information about clinical trials to be made public, that the person with the therapeutic product authorization would have to disclose it. To the author’s knowledge there are no regulations currently requiring information about clinical trials to be made public.

## **NHP Health Critic Peter Julian’s Amendment will defeat your efforts to protect NHPs**

On November 21, 2024, NDP Health Critic Peter Julian introduced an amendment to Bill C-368 that would render the Bill meaningless and put our access to NHPs at risk.

Bill C-368 seeks to change the definition of *therapeutic product* back to its wording prior to June 2023. This change would take NHPs back out of the therapeutic product category. The wording in Bill C-368 is:

*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;

Peter Julian’s amendment would change this definition to read:

*therapeutic product* means a drug or device or any combination of drugs and devices, **but, for the purposes of 21.31, 21.32, 21.33, 21.7 and 21.71,** does not include a natural health product within the meaning of the Natural Health Products Regulations;

(emphasis on the change added).

The original Bill C-368 wording removes the application of all **thirty-seven** *therapeutic product* sections that now apply to natural health products.



MP Peter Julian's amendment would only exempt natural health products from **one** of the *therapeutic product* provisions. His amendment lists five sections but remember that four that he lists *already do not apply to natural health products*. As explained above, sections 21.31, 21.32, 21.7 and 21.71 do not currently apply to NHPs.

So, Peter Julian's amendment keeps all but one of the *therapeutic products* sections in full force against NHPs, including the five million dollar a day fines. The one section that Peter Julian's amendment exempts is not meaningful. The only change will be that section 21.33 will not apply. Section 21.33 gives the Minister power to order a company to run tests and compile information concerning the environmental impact of a product. The section reads:

21.33 Subject to the regulations, the Minister may, for the purpose of obtaining additional information about a therapeutic product's effects on the environment, order the holder of a therapeutic product authorization to

- (a) compile information or conduct tests, studies or monitoring in respect of the therapeutic product; and
- (b) provide the Minister with the information or the results of the tests, studies or monitoring.

***Peter Julian's amendments are made to look like the NDP is trying to protect NHPs, they are only "amending" Bill C-368. This is political fraud. If the amendment is adopted by the Committee, Bill C-368 becomes meaningless. Parliament will have once again ignored the will of the people. The NDP should be honest and say they do not support Bill C-368. Rather they are using political fraud to make you think they are not against Bill C-368, they just want it "amended".***

## **What needs to be done!**

All Members of Parliament from all parties know that the majority of Canadians want Bill C-368 to pass. They want their access to natural health products protected. They want the Self-Care-Framework stopped. Moving NHPs into the *therapeutic product* class is one part of the Self-Care Framework.

### **This is an urgent call for you to:**

1. **Contact all members of the Standing Committee on Health and let them know that you disagree with Peter Julian's proposed amendment. [NHPPA has drafted an electronic letter campaign to make this process simple!](#)**



**NATURAL HEALTH PRODUCT  
PROTECTION ASSOCIATION**

[nhppa.org](http://nhppa.org)

2. You can also contact all other [NDP and Liberal Members of Parliament](#) to instruct them to reject Peter Julian's amendment.

**We need to apply enough political pressure to Members of Parliament that they reject this amendment.**

## **Call for Comments:**

This Discussion Paper is the opinion of the author, Shawn Buckley. As with all Discussion Papers, the NHPPA welcomes your comments. Please contact us at [info@nhppa.org](mailto:info@nhppa.org).