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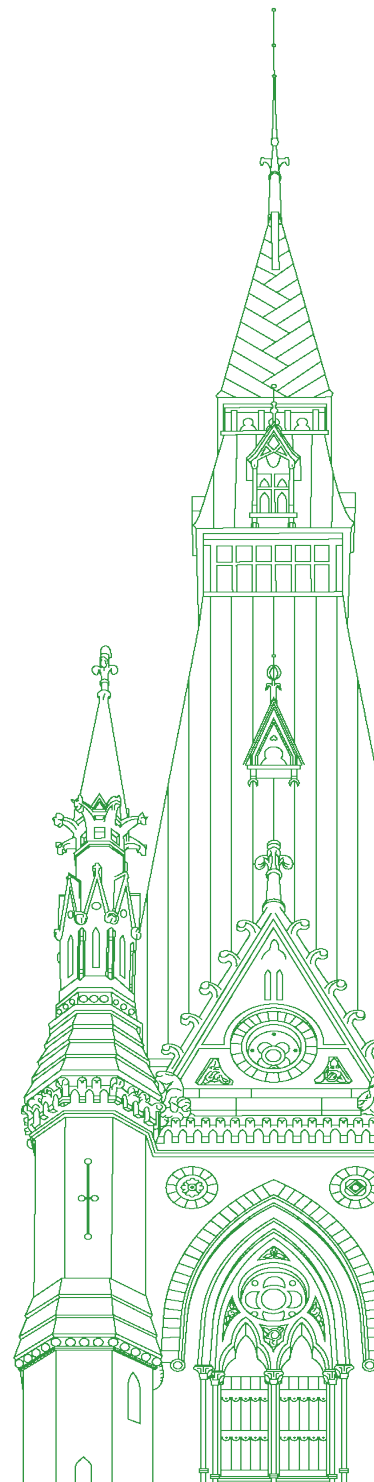
Standing Committee on Health

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Chair: Sukh Dhaliwal



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• (1630)

[English]

The Chair (Sukh Dhaliwal (Surrey Newton, Lib.)): I call this meeting to order. Welcome to meeting number 37 of the House of Commons Standing Committee on Health.

Today's meeting is taking place in a hybrid format, pursuant to the Standing Orders.

I would like to remind participants of the following points: Please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mic, and please mute yourself when you are not speaking. At the bottom of your screen, you can select the appropriate channel for interpretation of floor, English or French. For members in the room, if you wish to speak, please raise your hand. For members on Zoom, please use the “raise hand” function.

This is a reminder that all comments should be addressed through the chair. The clerk and I will manage the speaking order as best as we can. We appreciate your patience and understanding in this regard.

Pursuant to the order of reference adopted by the House on Tuesday, March 10, 2026, the committee shall commence its clause-by-clause consideration of Bill C-224, an act to amend the Food and Drugs Act regarding natural health products.

I would now like to welcome our witnesses. The first witness is the sponsor of the bill, member of Parliament Mr. Blaine Calkins.

Mr. Calkins, you have five minutes for opening remarks. Please go ahead.

Blaine Calkins (Ponoka—Didsbury, CPC): Thank you, Chair.

Members of the committee, thanks for inviting me here to discuss my private member's bill, Bill C-224, which passed at second reading—unanimously, I might add—on May 10, 2026.

As you may know, this legislation is the successor to the bill I had in the previous Parliament, Bill C-368, which was adopted by this same committee in December 2024.

Both of my bills have had the same intent, which is to undo changes made by Bill C-47, the budget implementation bill, back in the spring of 2023. These changes came as a part of the infamous omnibus budget bill brought forth by the Liberals that put natural health products under the purview of the therapeutic drugs regime.

In plain language, this means that natural health products in Canada—such as vitamins and minerals, other supplements, elec-

trolytes and so on—were put in the same regulatory regime as the pharmaceutical drugs that you would normally have to get a prescription for. I know not a single person who would look at both of those categories of products and say that they're the same thing. As a matter of fact, the idea would be practically laughable, yet here we are.

The bills that I sponsored, Bill C-368 and now Bill C-224, are very popular widely across the Canadian public and with everybody who's involved in the industry. These proposed changes were so unpopular that they were snuck into Bill C-47. As a matter of fact, nobody even knew about those four little clauses in that bill. Nobody was consulted. The industry, consumers, producers, small businesses, practitioners, women, Chinese traditional medicine practitioners, Ayurvedic medicine practitioners, indigenous traditional medicine practitioners and Canadians at large were not consulted.

For those at home who did not follow the proceedings of Bill C-368 or for those members who did not serve in the last Parliament, Canadians noticed, and they weren't happy. I've never received more correspondence in my office than I did with the postcards asking that the controversial changes to the Food and Drugs Act in clauses 500 to 504 of Bill C-47 be reversed. To members of all parties, today we have a chance to reverse some of these changes.

I would like to begin by stating one essential statistic: Over 80% of Canadians rely on products such as protein powders, vitamins, probiotics, electrolytes and the like in their daily lives. This means that the majority of the members and voters in your riding were affected by the government's handling of this industry. From this very statistic, everything else flows. Natural health products are not just a small sector of the economy but an integral part of people's daily lives as they take care of their own health needs.

It's also a sector that generates significant economic activity. According to an economic impact report from the Canadian Health Food Association, natural health products are a \$5.5-billion industry that generates over \$200 million in GST alone to the federal government's coffers. The industry also provides 54,000 people with jobs, from manufacturing straight through to retail, and this number does not even include the numbers of indirect jobs, such as those in packaging and shipping.

The government should be doing what it can to nurture this sector. Instead, it is saddling it with more layers of bureaucratic regulations and red tape, while the competitors south of us remain unconstrained. I should note that consumers can still access U.S. natural health products through a 90-day import rule for personal supply. This unregulated mail-order trade has already cost the industry at least \$450 million, if not more, in forgone or lost revenue.

The situation is unfortunate. At a time when Canadian businesses face increased hurdles from tariffs and stiff competition from our southern neighbour, they need to be supported by this government and by Health Canada.

Our supplements industry is one of the best-regulated industries in the world. In fact, IADSA, the global association of the food supplement sector, has previously stated that “Canada has been a world leader in the regulation of dietary supplements.” That was before Bill C-47.

By modifying the framework governing natural health products, the government risks stifling Canadian industry, investment and ingenuity and forcing consumers to look elsewhere for products that are inferior to Canadian products.

One thing I would like to highlight is that I drafted Bill C-224 to exclude nicotine replacement products from the NHP regimen, something that was not present in the unamended copy of Bill C-368. Excluding these products was supported by all parties during the last Parliament, and I was glad to ensure that this was reflected in Bill C-224.

In my view, Bill C-224, as drafted, is already adequate for the purpose and the intent for which it was drafted. While I would prefer that the bill pass unamended, that decision is ultimately up to the members of this committee. What I believe is that Canadians have the right to make the health choices that are best for them and their families.

Let's ensure that Canadian businesses remain competitive and that Canadians maintain their access to safe, made-in-Canada, reliable supplements.

Thank you, Mr. Chair.

• (1635)

The Chair: Thank you, Mr. Calkins. That was perfect timing.

We'll start with Ms. Dancho for five minutes.

Please go ahead.

Raquel Dancho (Kildonan—St. Paul, CPC): Thank you, Mr. Chair.

First of all, Mr. Calkins, I want to sincerely thank you for your efforts on behalf of the millions of Canadians who take natural health products daily and rely on them. I believe you said 80% of Canadians take some form of natural health products. Thank you for your hard work to ensure that this industry thrives in Canada and that I and others have choices on the shelf. Thank you very much for your hard work.

I want to talk a little about the inspiration for this bill. I understand that it was really back in 2023 when the natural health prod-

uct industry felt under attack by the Liberal government's actions. Is that where this inspiration came from, and is that why you brought this bill forward?

Blaine Calkins: Yes.

As you may recall, Ms. Dancho, you and I were both elected during that time. The omnibus budget bill implementation act, Bill C-47, did make some changes. This is something that the bureaucracy at Health Canada is well known for trying to do. They've tried to do it in several Parliaments. They even did it when Stephen Harper was the prime minister. They snuck this stuff in.

As I said, nobody even knew about this. There were no consultations. Nobody in the industry knew that these provisions were coming. Just four little clauses in a big 800-page bill drastically changed a natural health product into a therapeutic product. Well, you don't need a prescription or a doctor's referral, generally. Sometimes doctors refer these things, but you don't generally need to get a doctor's permission to take vitamin C or zinc or whatever it is that you might want to take.

The impetus of my bill was basically from my wife looking at me and saying, “Hey, I went to the health food store and I saw this postcard here.” I looked at the postcard, and the postcards started coming into my office. We had hundreds of these postcards, and I'm sure every member of Parliament who was here at the time had the same. There were massive campaigns from consumers, practitioners and businesses saying that this was an unnecessary overreach by Health Canada and the Liberal government, so I decided to do something about it.

• (1640)

Raquel Dancho: Thank you very much.

Some of those making the argument against your bill are making it seem as though there was no regulation on natural health products prior to 2023, which couldn't be further from the truth. Mr. Calkins, is it not the case that if I go to a health food store, the options that I see all have natural product numbers and that this means they are both regulated and licensed by Health Canada?

Blaine Calkins: Absolutely, that's the case. Any natural health product in Canada that makes a health claim has a natural product number on it. That number is a premarket number that has to be granted to the manufacturer or the distributor in order for them to legally put it on a shelf in Canada. It's premarket approval.

This is not what happens everywhere else in the world. As a matter of fact, in the United States, they don't have premarket approval. You can just manufacture whatever you want and throw it on the shelf. If there's a problem with it, later the Food and Drug Administration, the FDA, will come and take it off the shelf or stop the sale, but they don't have pre-approval down there.

We already have regulatory and bureaucratic hurdles in Canada to get a product to the market. I think most Canadians are okay with that notion and concept, but they don't agree with what the changes in Bill C-47 would have done, which would be to make the process for getting vitamin C onto the market the same as the process to get a chemical drug onto the market. I think that's where the overreach and over-regulation come into play. There are massive costs for site licences so that you can be in a place where you can register that natural product number. That was the issue.

Raquel Dancho: Just building on that in particular, it was actually this committee back in 1998, during the Liberal Chrétien government, that adopted, I believe, several recommendations that set forth quite an advanced system for regulating natural health products—a leader in the world. Something, as you know, that was important about that was that it distinguished them from pharmaceutical drugs because, of course, they are different. It made it risk-based and proportionate.

Can you comment on the importance and the difference and, again, why you brought this bill forward—because natural health products are not pharmaceuticals and therefore should not be regulated in the same way?

Blaine Calkins: We heard expert witnesses before this committee. In previous Parliaments, we heard on Bill C-368 as well that natural health products are basically just refined food products. They're more aligned with food and more akin to food, and they should not be governed and regulated in the same way as a therapeutic drug, a cancer treatment drug or other things like that.

People generally take these things as a means of prevention. They're trying to replace something that they think they're missing from their diet or from their nutritional requirements. They take them as things that might help get their body and their health in balance. As I said, 80% of Canadians rely on these things. To treat them like they're a therapeutic drug is simply, in my estimation, nonsensical.

Now, I understand that there are concerns about these things, but we had a very well-regulated industry, and there was no need to go this extra bit of distance that the government is going right now. There's no need.

Raquel Dancho: Thank you very much.

The Chair: We'll go now to Dr. Eyolfson for five minutes.

Please go ahead.

Doug Eyolfson (Winnipeg West, Lib.): Thank you, Mr. Chair.

Mr. Calkins, I congratulate you on your work, particularly in removing nicotine products from this exemption. As a member of the 80% of the public who take natural health products, namely high-dose vitamins C and D on the advice of my cardiologist, I do understand. I shouldn't need a prescription for vitamin C or D, and I don't.

I've heard from a couple of witnesses that natural health products are not medicines and they do not make claims to be medicines, but we discussed several examples that contradict this.

I spoke of this in the last meeting: St. John's wort. This is a natural health product. It's marketed for the treatment of depression and

for symptoms of menopause. The active ingredient has the same mechanism of action as common anti-depressants similar to the class of fluoxetine, better known as Prozac. This product also has a similar risk of serious interactions with a number of prescriptions and over-the-counter medications. This product also has an additional effect similar to an older form of anti-depressant known as MAO inhibitors, which, themselves, are now very rarely prescribed because they can have serious interactions with medicines, as well as with a number of foods.

This is a medicine. It claims to be a medicine. It claims to have a therapeutic effect. It has the same mechanism of action and side effect profile as prescription medications.

We have other examples of this—turmeric, a natural health product for joint inflammation. This has been linked to some very serious liver conditions. Even vitamins, as much as I'm not advocating for a prescription for them, are low risk but not zero risk. If someone was taking the anticoagulant warfarin to prevent strokes and certain conditions, if they take vitamin K, it counteracts that and gives an increased risk of stroke. In fact, when I'm practising medicine, vitamin K is actually the treatment of choice for someone who comes in and their blood is too thin due to too much warfarin.

Considering that these products make these medical claims and have substantial risks like medicines, it doesn't make sense to me that removing the same safeguards for the public as prescription medicines would be in the interest of public safety.

This is my first question: If a prescription medication is, for any reason, found to have a risk to the public, Health Canada regulations permit the timely suspensions of the availability of these products to protect the public. If a natural health product is found to pose a similar risk, why would we not want to afford the public the same ability to suspend its distribution and recall it for public safety?

● (1645)

Blaine Calkins: Mr. Eyolfson, let me just clarify a few of the things that I think are actually not factually true in the premise of your question.

Natural health products don't make medical claims; they make health claims. They make health benefit claims, not medical claims. That is a key difference, and as a medical doctor I would have thought that you would have known the difference. Health Canada already has a lot of the ability to do exactly what you suggested—

Doug Eyolfson: However, I need to correct—

Blaine Calkins: Hang on. Let me finish my answer.

The Chair: One person at a time....

Blaine Calkins: Mr. Eyolfson, in reference to what you asked about Health Canada's powers right now, Health Canada pre-approves these natural product numbers. They can stop the sale at any time for any of these products if they want. This is prior to even Bill C-47. They have border power for personal use imports and what can come into the country if they want to use them. They're able to seize any of the products that they need to. They have powers in the law and the regulations for that. They can revoke a site licence for a manufacturer, a package and labeller, or an importer. They can mandate a label change any time they want.

If there was an issue with a particular natural health product, which you were just talking about, Health Canada could have done this before. They didn't need Bill C-47 changes to add warnings, for example. They can inspect any site licence—

The Chair: We will go to Dr. Eyolfson. This is his time.

Doug Eyolfson: I'm sorry that I have to cut you off there, but I have to correct something you've said. This medication, St. John's wort, does, in fact, claim to treat depression and has the same mechanism of action. It is a medicine and should be regulated as such.

Blaine Calkins: So is acetylsalicylic acid, and I don't see you asking to regulate willow bark.

The Chair: Mr. Calkins, the floor is with me.

We have Madame Gaudreau for five minutes.

Please go ahead.

[Translation]

Marie-Hélène Gaudreau (Laurentides—Labelle, BQ): Thank you, Mr. Chair.

Let's go back to the whole process. I wasn't on the Standing Committee on Health in the last Parliament. As you'll remember, I was with you on the Standing Committee on Procedure and House Affairs. My colleague Luc Thériault was the one who participated in the seven meetings on Bill C-368, proposing amendments that aligned with our values.

I'd like to know what exactly the difference is between Bill C-368 and the one we're discussing, Bill C-224.

● (1650)

[English]

Blaine Calkins: Thank you, Madame Gaudreau, for the question.

The significant difference when it comes to the text of the legislation between C-368, which basically just removed and reversed the clauses.... I believe it was 501 to 504 that were in Bill C-47. Because of the conversations that we had and as a result of the study of the bill and the debates in the House of Commons, two things stood out. One was the desire to have recall power, and the other was to remove nicotine from the health food perspective. Even though the way nicotine gets caught up in health food and natural products is that it's tobacco—so it's a natural product—it's not, from a health perspective, something that the Canadian Health Food Association or others would deem to be the same kind of

product that we would have with other supplements or these kinds of things.

I could easily handle putting in the original part dealing with nicotine. I left it to the committee and to the House to debate how they wanted to handle the recall. I fully expected that it would be an amendment that would come forward, and I think that's something that this committee should be able to decide.

[Translation]

Marie-Hélène Gaudreau: You just took the words right out of my mouth. That was my next question.

If it was agreed upon in the last Parliament, why didn't Bill C-224 include the amendments regarding the minister's recall power to start with?

[English]

Blaine Calkins: I think there were some concerns after the bill was passed at committee last time about the wording that was used with some of the amendments. It wasn't the spirit of the amendments as much as it was the actual wording that was used, and if I remember correctly, we had some discussion. Peter Julian from the NDP had some amendments that he wanted to move forward as well that accidentally referred to natural health products as therapeutic products again. It created some confusion and concern. Just using that kind of language in the amendments, even though the intention was to extricate natural health products from Vanessa's Law, that reference in the language implied that natural health products were, in fact, therapeutic products.

I want the committee to get it right and, like I said, I thought I would leave that for the committee to decide. We would have some ideas on that. My colleagues from the Conservative side at least would have some ideas on that.

That's where I left that, Madame Gaudreau.

[Translation]

Marie-Hélène Gaudreau: I see.

I imagine you read the amendments we submitted just yesterday or the day before. That means you'll be supporting—

[English]

Blaine Calkins: Can I get Madame Gaudreau to start over? I did not hear the translation at the start of the question.

The Chair: We'll stop the clock.

Madame Gaudreau, go ahead, please.

[Translation]

Marie-Hélène Gaudreau: Thank you for being forthright about the fact that there is an interpretation delay. The interpreters do a great job, but the conversation moves quickly at times, especially when you're speaking English, and they miss things. Thank you for your vigilance.

Here's my question. If I understand correctly, you're going to support our amendments to your bill. Is that right?

[English]

Blaine Calkins: That would be a question that you should ask my colleagues who are the voting members of the committee, but I would suggest to you, Madame Gaudreau, that as long as the amendment and the wording of the amendment made sure that natural health products stayed in their lane and were in no way considered therapeutic products, it would probably be something I think the industry, the broader Canadian public and, of course, my Conservative colleagues could reasonably support.

[Translation]

Marie-Hélène Gaudreau: Thank you very much, Mr.—

[English]

The Chair: You have one minute.

[Translation]

Marie-Hélène Gaudreau: I'm surprised I have a minute left. I thought my five minutes were up.

Actually, that's all I need. That will be all, since I need to speak with the member's colleagues.

[English]

The Chair: Thank you.

We'll go to Ms. Konanz for four minutes.

Please go ahead.

Helena Konanz (Similkameen—South Okanagan—West Kootenay, CPC): Thank you, MP Calkins, for all the work you've done on this bill. I can tell you that my office has heard from not only members of the industry and our local stores but also everyday people, just like all of us around this table, I'm sure, who would like to continue to buy Canadian and continue to have products offered in our local stores.

You mentioned in your introduction that Canadian businesses are presented with stiff competition and challenges right now. My riding has six border crossings and, of course, Amazon, so industry is really nervous that this is going to make it even tougher to get Canadian products.

Can you tell me what you've heard about how this is going to affect Canadian businesses, Canadian products and the Canadian natural health industry?

• (1655)

Blaine Calkins: We've already heard from one of the witnesses here, who said that she started up her business three years ago in the United States because it was easier and quicker to get her business up and going and get a revenue stream than it was here in Canada.

I'm not suggesting that we don't have a pre-approval process here in Canada, but the one thing that the industry certainly can't withstand—and I think Mr. Chen from the Traditional Chinese Medicine Association identified this as well—is the massive fees that were planned, when Bill C-47 was passed, to get a site licence and get an approval.

It's not fair, realistic or even plausible for a mom-and-pop shop to have to go through the same type of regulatory framework for approvals that a company like Pfizer, Bayer or some other massive company would have to go through as an approval process. To equate the two as being the same thing is ridiculous.

I'll add a comment, because I wasn't able to fully answer Mr. Eyolfson's question. There are foods.... You can buy turmeric, which he talked about as a health product. It's also food. You can go buy it from the spice rack in the grocery store. You can go buy a grapefruit and it'll do the same thing. It'll interfere with medication that might be prescribed by a doctor. The pharmacists where I live are smart enough to put a little sticker on the bottle saying not to eat grapefruit while you're taking the medication.

The natural progression, if the logic being used is that anything that interferes or potentially interacts with a therapeutic needs to become a therapeutic product, is that pretty soon everything in the grocery aisle is going to be a therapeutic product.

Helena Konanz: Thank you.

As you mentioned, the United States doesn't have the types of requirements for products that we do, not even currently. What about labelling? I've walked into local stores while doing my research on this, and they're showing me the extensive labels that need to be on these tiny bottles. It's becoming more and more difficult.

Why would there be such labelling requirements when Health Canada already had that requirement before 2023?

Blaine Calkins: Everybody reasonably wants accuracy in the labelling. They want to know that what's on the label of the bottle is actually what's inside. I think that's the case right now. If it's found not to be the case—again, I was interrupted going through the list of powers that Health Canada has—Health Canada can mandate a label change. They can add a warning, for example, or require a company to add a warning. They can inspect any site licence they want to at any point in time and inspect that site and location and conduct an audit.

As a matter of fact, the producer, the manufacturer or the shipper must provide space for Health Canada officials to come into the business and inspect it. They can inspect any product they want. They can ask for the product. They can send it to a lab. They can pull it off a shelf and send it to a lab and ensure that what's on the label is what's in the bottle.

They approve every natural product number that's out there. It's a pre-market approval process. You don't get an NPN until you're cleared by Health Canada to put the product on the shelf, so everything should be known about it at that particular point in time. If somebody is acting as a bad actor, Health Canada can stop the sale, as I said, and they can even withdraw or remove the NPN that was granted in the first place.

Health Canada already has tremendous powers to keep Canadians safe.

The Chair: Thank you. You were 22 seconds over, so we'll go to Mr. Sawatzky for four minutes, please.

Jake Sawatzky (New Westminster—Burnaby—Maillardville, Lib.): Thank you very much, Mr. Calkins, for being here today.

I want to use my time to understand what problem this bill is trying to solve and also what protections we would be giving up in the process.

First, just to focus on something we've heard throughout this discussion about the risk associated with natural health products, some of the testimony we have heard has left the impression that these products are essentially risk-free—that because we're talking about vitamins and supplements rather than prescription drugs, the safety concerns are somehow theoretical or non-existent. In fact, we've had witnesses put on the record that there are no risks associated with some of these products, which is not accurate.

I absolutely recognize that natural health products are generally lower-risk products. They're not prescription pharmaceuticals, and I don't think anyone is suggesting that they should be regulated in the same way, but I do think that it's important for everyone to understand that lower risk does not mean no risk. We have Canadian examples of products that have been contaminated with lead and of labels that have not accurately reflected what was in the product, and people have experienced serious adverse reactions.

There is also the fact that risk doesn't come solely from something being wrong with the product itself. A product can be manufactured exactly as intended and still interact with another medication. On Monday, we were discussing the example of St. John's wort and the various interactions that can happen.

If we accept that natural health products can cause adverse reactions, can have clinically significant interactions with prescription medications and, like other products, can sometimes be contaminated, then why would we want fewer tools available to protect Canadians when risks are identified after those products are already on the market?

• (1700)

Blaine Calkins: Other than recall, tell me what new powers you're actually granting Health Canada. What you're doing is granting Health Canada the ability to create more onerous regulations and costly bureaucratic steps in the process. You're not actually adding anything that they didn't already have as powers in the first place.

Any Canadian can go out and harvest St. John's wort and go home and make tea with it if they want to. You can just pick this stuff. You can go out and harvest some. The notion that we need to treat food as medicine is noble in the sense that we want to have healthy diets and we want to have good nutrition, but to suggest that we need to have a natural product number or a drug identification number on every natural health product and every piece of food.... That's the natural flow of where your logic goes, Mr. Sawatzky.

The industry isn't saying it doesn't want regulation. It's just saying that the juice isn't worth the squeeze.

When Mr. Buckley was here, he said that your chances of having one of these negative interactions are lower than your chances of being struck by lightning. Deloitte did an audit of the Health Canada claims used to initially put forward these proposed changes in power that they claimed that they needed, and the report debunked virtually every one of the claims that Health Canada made.

Have you had a chance to read that Deloitte report, Mr. Sawatzky?

Jake Sawatzky: Thank you, Mr. Calkins. I'd like to ask another question here.

Blaine Calkins: I'll take that as a no.

Jake Sawatzky: Do you think the government should have the power to stop the actions of non-compliant companies if there is an immediate risk to human health, yes or no?

Blaine Calkins: Health Canada has had that ability even prior to Bill C-47. This was back in 2023. They can stop the sale. They can seize the product. They can revoke a site licence for a manufacturer, a packager and labeller, or an importer. They can mandate a label change if there's a problem. They can inspect any of the sites and locations for good manufacturing practices at any time. They can inspect any product that they want at any time, and they can revoke a natural product number if they want to.

What more powers do you think they need, Mr. Sawatzky? That seems like a lot of power to me.

I frankly feel completely safe when I go into a natural product store or a health food store and buy healthy food or a jar of vitamins off the shelf. Just as it is with medication, the reality is that the usual adverse reactions have nothing to do with the contents in the bottle. They occur because the users are not using the product as directed. It's the same problem. That's not going to be fixed by these powers, Mr. Sawatzky.

The Chair: Thank you very much. That was 18 seconds over.

We'll go to Madame Gaudreau for two minutes.

[Translation]

Marie-Hélène Gaudreau: Oh, I get bonus time.

I want to follow up on the amendments and my previous question.

If I understand correctly, all the parties had come to a consensus on the previous bill in the last Parliament. You knew that from the get-go. You knew that the minister needed to keep their recall power. Admittedly, it's a last resort, even though there is currently a firewall. Why didn't you include that in the bill from the start?

[English]

Blaine Calkins: I don't know how I can be more clear. I was satisfied in the last Parliament, which was a minority Parliament, and there wasn't consensus at the table in the last minority Parliament. As a matter of fact, it was the NDP, the Bloc Québécois and the Conservatives who basically supported Bill C-368. The Liberal government of the day and the Liberal MPs of the day were all adamantly against Bill C-368, which seems to be their posture today, even though they all voted in favour of it at second reading in the House of Commons. It's an interesting change in tactic.

I believe it was the Bloc Québécois amendment on recall that was accepted. I'd have to go back to review. I was satisfied with allowing somebody here at this table to come up with that solution. We would have that debate. We're prepared to have that debate.

Again, as I said, the concern from the industry is that it does not want to be enveloped in the web of Vanessa's Law. Vanessa's Law was a bill brought forward by my former colleague, Mr. Young. I support Vanessa's Law, but it's about drugs—not natural health products. I'm glad that we have a chance for the Bloc Québécois to move an amendment.

• (1705)

[Translation]

Marie-Hélène Gaudreau: Thank you, Mr. Chair.

[English]

The Chair: Thank you very much, Madame Gaudreau.

Thank you very much, Mr. Calkins. Your time is up now, so we will go to the next panel. Thank you for appearing.

I'm going to suspend to make time for the panellists to take their seats.

• (1705)

(Pause)

• (1710)

The Chair: I call the meeting back to order.

We will now continue with our second panel of witnesses. I would like to welcome the senior officials from the Department of Health. With us, we have the director general, health product compliance directorate, Ms. Sara O'Connor. Welcome. We also have the director general, natural and non-prescription health products directorate, Ms. Kim Godard.

Both of you are welcome, and you have five minutes to speak. Please go ahead. The floor is yours.

[Translation]

Kim Godard (Director General, Natural and Non-Prescription Health Products Directorate, Department of Health): Thank you, Mr. Chair and members of the committee, for the opportunity to appear before you today. Health Canada welcomes the opportunity to participate in the study of Bill C-224 to provide context on Canada's regulatory framework for natural health products, or NHPs.

Canada's NHP sector is vibrant and innovative, contributing over \$13 billion annually to the Canadian economy. It includes a broad range of participants, from small, Canadian-owned retailers to manufacturers, distributors and importers, many of which operate internationally.

Health Canada is committed to ensuring that NHPs available to Canadians are safe and effective, and of high quality. We play a critical role in protecting Canadians by regulating products used daily to improve and maintain health, including probiotics, herbal remedies, vitamins and minerals, homeopathic medicines, traditional medicines, and other products such as amino acids and essential fatty acids.

[English]

While natural health products are often perceived as lower risk, they are not without risk and require measured oversight. From experience, we know that harm may arise from undeclared ingredients, contaminants, inaccurate labelling, inappropriate use or interactions with other health products, such as pharmaceuticals. Where risks are identified, our objective is to act proportionally and consistently to protect Canadians.

Canada is an international leader in NHP regulations. We are among the few that regulate these products as health products rather than food supplements. That allows NHPs to make health claims, which uniquely enhances their appeal in both domestic and international markets. This approach appropriately reflects their lower risk profile while recognizing their health benefits.

Health Canada's role is to regulate activities such as the sale, manufacturing, packaging, labelling and importing of NHPs across the spectrum of the market to ensure the products Canadians buy are safe, effective and of high quality.

The recognition that NHPs are distinct from other drugs is central to Bill C-224. It is a principle shared by Health Canada. The bill seeks to amend legislation passed in 2023 that extends postmarket authorities to NHPs by including them in the definition of therapeutic products. The 2023 legislative change did not replace the NHP framework with a prescription drug regime. Rather, it conferred on the Minister of Health new postmarket authorities, known as Vanessa's Law authorities, with respect to NHPs. These postmarket authorities enable Health Canada to take swift action when an NHP presents a serious risk to health, which is consistent with other products we regulate. This includes the ability to order recalls and to ensure courts can impose deterrents comparable to those in the Criminal Code.

At this pivotal moment, the government is focused on supporting Canadian business, including reducing unnecessary regulatory burden. In support of this objective, Health Canada is advancing a plan for a simplified registration process for certain NHPs, more flexible labelling and reduced premarket requirements where postmarket oversight is better suited.

The committee should be aware that several of the authorities introduced in 2023 also support the reduction of regulatory red tape. This includes the ability to incorporate documents by reference, which will support the proposed registration scheme and enable flexibilities around digital labelling. It also includes the authority to grant targeted exemptions. One example is the exemption order issued by the Minister of Health in 2025, which extended the compliance timelines for new NHP labelling requirements. This measure is widely supported by natural product stakeholders and provides important flexibility for industry and time to work with Health Canada to address implementation challenges while continuing to support consumer safety.

In closing, effective regulatory tools protect consumers by helping to ensure health products remain safe, and support businesses by maintaining confidence in the marketplace. Health Canada remains committed to reducing unnecessary burden and improving processes while upholding safety.

Thank you, Mr. Chair.

• (1715)

The Chair: Thank you very much. That was perfect timing.

Honourable members, when you ask questions, please identify whether your question is for Ms. Godard or Ms. O'Connor. It would be appreciated. If you feel that the witnesses are going too long, please raise your hand so that I can ask the witnesses to stop immediately. I don't want to interrupt because of the interpreters.

If you can, maintain eye contact with the honourable member who is asking the question.

With that, we will go to Dr. Strauss for five minutes.

Please go ahead.

Matt Strauss (Kitchener South—Hespeler, CPC): Thank you, Chair.

Ms. Godard, thank you for your presentation. I took from it that your understanding is that these regulations and Vanessa's Law, these changes from 2023, are not terribly burdensome.

I've never owned a business. I've never owned a manufacturing plant. I've never applied for an NHP licence. I don't understand how that can be if so many industry folks, small business owners, people who own shops.... As my colleague Mr. Calkins has explained, the outcry has been immense. I've had entrepreneurs and business owners in my office saying, "We cannot survive these changes. We cannot survive the uncertainty that these changes have caused." Sadly, and I hate to say it, I have had people in my office tell me, "We are going to move our business to the United States because of these changes."

I'm just trying to square your general understanding that this is not burdensome with the overwhelming negative feedback that I've been receiving from the community.

Kim Godard: The tools introduced in Vanessa's Law shouldn't really add any burden to a company that is compliant or a company that will work with Health Canada if a risk is identified. The authorities that are introduced in Vanessa's Law speak to postmarket authorities—for example, the mandatory recall—that the minister

could need if a serious risk to health were to be identified. In that sense, there is no additional burden.

Matt Strauss: I guess this is still not answering the inconsistency I'm seeing between your testimony and the industry outcry. They've been to the Hill many times. They've booked all these meetings. They've used their time and they've spent money on lobbyists. The disconnect is very palpable, and I'm really having trouble wrapping my mind around it.

One thing that they have told me when they've come and met with me in my office on Hill days related to an interest I have as a lifetime gym-goer in things like protein and creatine. They've explained to me that if they had an idea for a new creatine supplement, they would have to go through these burdensome regulations, but I could order the same product from Amazon and Health Canada would have no oversight over that.

Is that the case?

• (1720)

Kim Godard: I'll start, and then I'll turn to my colleagues here on personal importation.

It is true that if you want to market a natural health product in Canada, there is a premarket approval, but those requirements have nothing to do with Vanessa's Law. They're quite separate.

The premarket approval in Canada allows a company to have an NPN and have a health claim that's been substantiated by Health Canada. In terms of how that compares to the U.S. model, in the U.S. a company doesn't need the premarket approval, but they have to put disclaimers on the product indicating that it has not been reviewed by the U.S. FDA and—I'm paraphrasing here—that it can't cure or similarly affect.

Sara O'Connor (Director General, Health Product Compliance Directorate, Department of Health): With regard to the personal importation part of your question, yes, Canadians can bring in products from outside Canada.

Matt Strauss: That's fine. That's all I needed to hear to confirm, but this just seems tragic in a time of a trade war. We're trying to buy Canadian and support Canadian industries, and I have all these entrepreneurs coming into my office and having to hire lobbyists to come and tell me about how we're chasing them out of the country. Then that same entrepreneur, once chased out into the United States, can sell me their product on Amazon. If that's the ultimate outcome of the 2023 changes, that's just a crying shame. I hope the members opposite will take that into account.

Here's one, I guess, factoid.

I'm a physician. I specialize in critical care and internal medicine. I would say that two or three times a week throughout my career, I would admit someone to the hospital, sometimes with a deathly illness caused by an adverse reaction to a pharmaceutical product, but I can't think of one time in my career when I've had someone come in with a deadly or near-fatal reaction to a natural health product.

My colleague Dr. Eyolfson spoke about St. John's wort. I've personally admitted hundreds of SSRI overdoses to the hospital. I've not ever seen one hospital admission from St. John's wort in my life, nor have I heard of one from my colleagues.

Would you agree that this is a different class of risk, empirically, and therefore should have a different class or a different intensity of regulation?

Kim Godard: There's no doubt about it: Natural health products are lower-risk products. They are not without risk.

The Chair: Thank you. The time is up, Dr. Strauss.

We'll go to Dr. Jaczek for five minutes.

Please go ahead.

Hon. Helena Jaczek (Markham—Stouffville, Lib.): Thank you so much, Chair.

For the committee, could you please explain, Ms. Godard, the difference between a stop sale and a recall, and why a recall, in this particular instance, is important to protect the safety of Canadians?

Kim Godard: Thank you for the question. I'll turn to my colleague Sara on this one.

Sara O'Connor: The difference is that a stop sale could occur at any time and could occur at the manufacturer during an inspection, but a recall is needed when that product has left the manufacturer and may be on retail shelves or in the home of a Canadian. That's when we would have to work with the company to do a recall. It's if the product has reached distribution to Canadians.

Hon. Helena Jaczek: I'm not sure if this is your area of expertise, but with regard to food in grocery stores, I believe it is quite possible that if a product is found to be contaminated, public health can go in and actually, physically, recall the product.

I see Ms. Godard nodding to that. Thank you.

Now, about labelling, if Health Canada identifies a serious new risk that requires an urgent warning on the label, should it be able to require that label change?

• (1725)

Kim Godard: Indeed. If there is a serious risk to health, there is a need to communicate that risk to Canadians. The label is part of that message to the person using the product.

Hon. Helena Jaczek: Under Bill C-224, what happens if the company refuses to make that change voluntarily?

Kim Godard: It's an interesting question, because the authorities in Bill C-224, for example, the label change, allow us to be a bit more flexible. If a company refused, for example, a label change, we would need to look at the various options that we have. I'll turn

to my colleague Sara in a minute, but it could mean suspending a licence. It could mean something very much more severe.

Sara, do you have anything to add?

Sara O'Connor: It is quite common that we would work with the compliance industry to allow for label changes, not to the product that's on the market maybe, but in a span of time that is reasonable. If there was a need for an immediate label change, those powers could be used to recall the product and then potentially change the label or whatnot. In general, we work with the companies over a reasonable amount of time if there are label changes needed.

Hon. Helena Jaczek: We've heard quite a bit about excessive red tape. In our first session on Monday, Ms. Kramchynsky from Food, Health & Consumer Products of Canada said that she was involved in your consultation regarding reducing red tape. I think that's a worthy goal.

Could you describe a little bit more exactly what's happening with that process and who you're involving, stakeholders, etc.?

Kim Godard: We are really trying to find the balance between the burden and ensuring that the products are safe. We are looking at four different projects to reduce the burden on industry. One of them looks to introduce a simple registration process for natural health products. The other one looks to streamline premarket requirements where postmarket oversight is more appropriate. Those two combined would take a premarket scheme that has a service standard of 60 days and requires a certain amount of information, to something that is less burdensome in terms of the amount of information and much more streamlined in how you get the approval so that you can get your product to market faster.

We're also looking to introduce flexible risk-based postmarket vigilance requirements for all NHPs. We were talking about ADRs earlier on. Right now, the requirements are quite rigid. They need yearly summaries. We're taking a more flexible approach looking into that to see if, when something happens and you let us know, we could monitor that way.

Then finally, we're looking to introduce more flexible labelling requirements. I think I heard earlier that sometimes they're small bottles and it's hard to see the labels. We're recognizing that, and we're looking at the digital space as to how we can improve labels, not only for the manufacturer but for the consumer at the other end.

Hon. Helena Jaczek: Do I have time?

The Chair: You have nine seconds. I'd like to thank you.

Now we'll go to Madame Gaudreau for five minutes.

Please go ahead.

[Translation]

Marie-Hélène Gaudreau: Thank you, Mr. Chair.

As I said initially, I'm new to this committee, so I wasn't here during the discussions on Vanessa's law, which you mentioned, Ms. Godard. The amendments that were made in 2023 broadened the provisions relating to prevention but also post-market monitoring. That's my understanding.

It's 2026 now.

In the last Parliament, a recommendation was made to provide flexibility. The members agreed but were adamant that the minister's ultimate power to order a recall not be taken away.

Here's my question. How will the bill, as it currently stands, affect the powers or latitude of Health Canada, indeed the minister? In other words, how will it affect what they can do?

● (1730)

Kim Godard: That's a very good question.

Passing the bill in its current form would mean that the minister did not have the necessary tools to act quickly when a serious health risk was identified. I'll give you two tools.

Ordering a mandatory recall is one of those tools. When we order a mandatory recall, it means that we have already asked the party concerned to recall the product voluntarily, so this is really a measure of last resort. However, it's an important one. We need a way to act when we don't get the necessary level of co-operation.

Seeking an injunction is the other post-market tool that can be used. If someone is asked to stop selling a product and simply disregards the request, we can turn to the courts, which have additional tools to really manage the risk.

That's more on the operational side.

The other distinction when it comes to the bill is that, within the regulations, there are flexible regulatory tools. Those are necessary to support our efforts to modernize processes and reduce the burden on industry, which I mentioned earlier. Without those tools, we won't be able to do our work quickly, and that would be unfortunate for the industry.

Marie-Hélène Gaudreau: We're talking. I have time.

I'm going to propose, or rather I submitted, amendments to the bill to ensure that the recall power is not overlooked, on one hand, and to cover the whole dimension of enforcement, on the other hand.

That said, I still worry. I wonder whether we're doing a complete 180 or whether the previous approach took too much of a hard line. What's your view?

Kim Godard: Sorry, but I don't understand the question.

Marie-Hélène Gaudreau: If we add the recall authority and this, to some extent, control, at the end of the day, will the bill be positive for the industry, indeed your jurisdiction?

Kim Godard: Certainly, as far as federal powers are concerned, we need the ability to order mandatory recalls. The injunction is important. In addition, the powers that give us flexibility in how we regulate are also key, because they give us the ability to advance things that are very beneficial to Canadians and the industry.

Marie-Hélène Gaudreau: I hadn't realized what a significant impact broadening Vanessa's law would have.

In concrete terms, this is aimed at the industry. If the bill passes as is, what impact will it have on the industry?

Kim Godard: The impact will be almost immediate.

As I said in my opening remarks, in 2025, the minister issued a ministerial order that ultimately extended the compliance timelines for industry regarding the new NHP labelling requirements. If that goes away, the industry will have to comply. That is a direct impact.

The other impact is that we won't be able to keep going with our work to modernize processes and reduce the regulatory burden.

Marie-Hélène Gaudreau: My last question is this: What guarantee do we have? It's well and good to say that there's goodwill and that, internally, more flexibility is needed, but I'll believe it when I see it. How confident are you?

Kim Godard: I can speak to how confident I am, on a personal level. We've consulted stakeholders significantly and we've worked with them, and we expect to have something in part I of the Canada Gazette in the spring of 2027. Therefore, we are really aligned to make things happen.

Marie-Hélène Gaudreau: Thank you, Mr. Chair.

[English]

The Chair: Thank you very much, Madame Gaudreau.

Before we go to Ms. Dancho, I will ask Madame Gaudreau to take the chair.

[Translation]

The Vice-Chair (Marie-Hélène Gaudreau): Okay.

This is my first time. It's nice. I was a vice-chair for a long time, but this is the first time I've been in the chair. I will be speaking in French.

It's over to Ms. Dancho for four minutes.

[English]

Raquel Dancho: Thank you, Madam Chair.

I have a couple of questions. I appreciated Dr. Jaczek's questions about labelling. I want to be clear, though, because I wasn't sure what you were saying.

Before 2023 and the changes made that year, you had the powers that you outlined. Is that not the case when it comes to labelling? If someone wasn't listening to you about labelling, couldn't you have pulled the licence?

• (1735)

Kim Godard: In terms of labelling, if someone's not listening.... I don't know if I'd use that word, but if someone doesn't want to comply or doesn't want to voluntarily collaborate, yes, we have the authority to remove the licence.

Raquel Dancho: You had that prior to 2023.

Kim Godard: We did.

Raquel Dancho: Okay, I just wanted to be clear.

On the recall power, one thing that I'm hearing from the natural health product industry is that they're not necessarily opposed to a recall power but that they're opposed to being gradually or forcefully moved towards being called a therapeutic product or into association with them. Is it not the case that we could have an amendment to this bill or have another bill that says there's a recall power for natural health products without classifying them or associating them with therapeutic products—i.e., pharmaceutical drugs? Could you not do that?

Kim Godard: I don't think it's my role to comment on the bill. I will say that the recall powers are very important to us.

Raquel Dancho: The reason I'm asking you is that as a lawmaker, would I have to classify a natural health product as a therapeutic product in order to have recall power, or could I empower Health Canada to recall natural health products as natural health products without any association with pharmaceuticals?

Kim Godard: In the way the current legislation is written, they are associated just in that definition to get the recall powers.

Raquel Dancho: What I'm asking is whether we could have an amendment to this bill, or what have you, such that there's a recall power for natural health products without associating them with therapeutic products.

Yes—you're nodding.

Kim Godard: That would be for the committee to decide.

Raquel Dancho: Okay. I appreciate that.

My next question is about ministerial power.

There seems to be a real keenness from the Liberal government to ensure that there's ministerial power to issue a recall on natural health products. That makes a lot of people in the natural health products industry extremely worried, because at the ministerial level, when elected officials are part of political parties, there could be politics involved in a decision. I'm not saying that's going to be the case. I'm not trying to say anything negative about the health minister. I'm just saying that a perception exists that it could be abused.

You, Ms. Godard, of course are non-partisan, and you're empowered and you're supposed to make fact-based decisions. Could you or someone in your apparatus be the one to issue that recall, or is it only a minister who can issue a recall in this country?

Kim Godard: I'll turn to my colleague Sara on this one.

Sara O'Connor: Thanks for the question.

The ability to order a recall is a power under Vanessa's Law. My understanding is that there is a threshold to be met to order a recall, and it's only in the most serious of cases. We've never used that power.

Raquel Dancho: You have never used that power...?

Sara O'Connor: No, not for natural health products.

All of our recalls that we conduct are voluntary. We work with the companies to ensure that those recalls.... They have processes in place to conduct recalls. It works. We work together.

[Translation]

The Vice-Chair (Marie-Hélène Gaudreau): I just want to let you know, Ms. Dancho, that you have only a few seconds left, enough time for a quick question.

Raquel Dancho: Thank you. I think I have 20 seconds left.

[English]

In conclusion, I would just say that our concern is that it seems to us and to many in the natural health product world that the Liberal government wants a ministerial power to be able to recall among other powers associated with therapeutic products, specifically pharmaceuticals. I'm not understanding, and we're not understanding. If the recall is important, we don't have to designate. What I'm hearing from you on these products, as pharmaceuticals, is that they could still be exclusively classified as natural health products.

That's my take. I'm not putting words in your mouth, but it sounds like I am correct in my assessment.

Thank you.

Kim Godard: If I could add—

[Translation]

The Vice-Chair (Marie-Hélène Gaudreau): I'm giving you 10 seconds. I gave her more time, so I'm giving you more time.

[English]

Kim Godard: —in terms of operationalizing recalls, it is not the minister who looks at the evidence. We have inspectors on the ground who are highly educated experts in the area who look at the data and then recommend a recall. The power is delegated to apolitical public servants.

Raquel Dancho: That's right, but then it goes to—

[Translation]

The Vice-Chair (Marie-Hélène Gaudreau): Thank you very much.

We now go to Ms. Chi for four minutes.

[English]

Maggie Chi (Don Valley North, Lib.): Thank you, Madam Chair. You look great in the chair. Congratulations.

Thank you to our Health Canada officials for appearing today and helping us work through a fairly technical regulatory framework.

At our last meeting, we heard from industry partners who were telling us that the Health Canada approval really is the gold stamp that gives industry the competitive edge globally. We know that Canadians want choice. A lot of us consume natural health products, and we want to rely on a really good, solid regulatory framework so that we know that the products we buy off the shelf are safe to consume.

I know that the classification or the regulatory framework came up a couple of times. I really want to make a clarification on how natural health products are being classified. How is it different from pharmaceuticals?

You mentioned that they are low risk and that we have a risk-based approach. If you could expand a bit on that, it would be really appreciated.

• (1740)

Kim Godard: Thank you for the question.

Natural health products are regulated differently from drugs. If you look at the premarket approval, for example, natural health products will go through a process depending on the risk that they pose.

For example, Health Canada has developed monographs, and those monographs are pre-cleared information: For vitamin C, here are all the claims you can make about it. We have hundreds and hundreds of these monographs. If your product is linked to one of these monographs, then that is considered a low-risk claim, and it goes through the process faster. We call that class one.

We have a class two where if you have two monographs that you're combining for your products, that is slightly more complex, and the robustness increases a bit.

Finally, we have a class three for when there's a novel ingredient and Health Canada has never reviewed it. Again, the robustness of the review increases a bit.

Maggie Chi: Thank you for that clarification.

The 2023 change was mentioned quite a bit throughout our hearings at the committee, but we know it was in response to a 2021 audit report. Maybe you can help us understand the impetus for the change and some of the risk of taking that away.

Kim Godard: Indeed, the change stemmed from an audit, and the audit found some things. I'll highlight a few.

One of them was that the postmarket aspect in natural health products wasn't robust enough. One of the reasons that there were amendments in 2023 was to provide those tools so that in the post-market space, when the products are on the market, we could take action when needed.

The other area that the audit saw as being inadequate was labelling. Again, we've introduced a label change, and we're trying to work with industry to get to a space where we hit the happy medium.

Maggie Chi: Thanks so much.

At our last meeting, we heard again from the industry that there's really positive feedback on the regulatory reform effort that's being undertaken by Health Canada. From your exchange with my colleague Dr. Jaczek, it sounds like you're streamlining the premarket assessment and you're strengthening the postmarket monitoring.

Would that expedite approval and make natural health products that are compliant accessible more quickly to consumers in Canada?

Kim Godard: That's exactly the intent. The intent is to enable industry to bring products to market faster, but the intent is also to have the tools available if something happens while the products are on the market. It's very important that we balance those two things.

Maggie Chi: Thank you so much.

Chair, do I have time left?

The Chair: You have about 40 seconds left.

Maggie Chi: That completes my questioning.

Thank you so much for coming.

The Chair: Thank you.

We'll go to Madame Gaudreau for two minutes.

Please go ahead.

[Translation]

Marie-Hélène Gaudreau: I'll be brief, Mr. Chair.

I quite enjoyed being in the chair.

Here's my question.

Changes and flexibilities are expected given what happened in 2023. There is also a desire to retain control. Let's be honest, you may or may not be able to answer this. Why has a bill been brought forward in this form, when the goal at the end of the day is to reduce red tape? You're telling me that that is a commitment and that something is coming on Health Canada's end in the spring of 2027. Why, then, has this bill been introduced?

• (1745)

Kim Godard: Do you mean Bill C-224?

Marie-Hélène Gaudreau: Yes. What—

Kim Godard: That's not for me to say.

Marie-Hélène Gaudreau: Well, at least I tried.

What I'm actually wondering is this: If there is no clear commitment, what should we do? I don't know whether you have a plan under way, but we'd really like to have it. Right after this, we'll be making decisions and voting. Obviously, I hear you saying that flexible measures are in the works. I figure that, with this bill, some pressure could be brought to bear, precisely to review what's working and what's not.

I have a few seconds left. Do you have any final comments before you leave?

Kim Godard: Thank you for your question.

We are indeed very much working towards that. We consulted our partners in industry and the association community. We'd be happy to share the materials we sent them, if you would like.

Marie-Hélène Gaudreau: Thank you.

Thank you, Mr. Chair.

[*English*]

The Chair: Thank you very much.

Thank you to both Ms. Godard and Ms. O'Connor for your valuable input.

I will suspend the meeting for two minutes. The legislative clerk will take a seat here so that we can go clause by clause.

• (1745) _____ (Pause) _____

• (1745)

The Chair: I will call the meeting back to order.

I would like to provide members of the committee with a few comments on how committees proceed with the clause-by-clause consideration of a bill.

As the name indicates, this is an examination of all the clauses in the order in which they appear in the bill. I will call each clause successively, and each clause is subject to debate and to a vote.

If there is an amendment to the clause in question, I will recognize the member proposing it, who may explain it. The amendment will then be open for debate. When no further members wish to intervene, the amendment will be voted on. Amendments will be considered in the order in which they appear in the package that each member received from the clerk.

In addition to having to be properly drafted in a legal sense, amendments must also be procedurally admissible. The chair may be called upon to rule amendments inadmissible if they go against the principle of the bill or beyond the scope of the bill—both of which were adopted by the House when it agreed to the bill at second reading—or if they offend the financial prerogative of the Crown.

During the debate on the amendment, members are permitted to move subamendments. Only one subamendment may be considered at a time, and that subamendment cannot be amended.

Once every clause has been voted on, the committee will vote on the title and the bill itself. If amendments are adopted, an order to reprint the bill may be required so that the House has a proper copy for use at report stage.

I thank the members for their attention and wish everyone a productive clause-by-clause consideration of Bill C-224.

Now I will call clause 1. Shall the...?

Go ahead, Ms. Dancho.

• (1750)

Raquel Dancho: I have a question, Mr. Chair. I just want to clarify the process.

If we're done with this bill today, in whatever form it ends up, is it then reported to the House, and how quickly does that happen? Would we be voting on it tomorrow? What is the process here?

The Chair: Basically, I'm going until 6:30—

Raquel Dancho: No. Once it's done in this place and it goes back to the House in whatever form, how quickly does it happen in the House?

The Chair: It's as quickly as the clerk is ready for me to present it when we come back.

Raquel Dancho: That's after break week.

The Chair: That's right.

Raquel Dancho: Thank you very much, Mr. Chair.

Again, I want to be clear. In clause-by-clause consideration, if a party introduces an amendment, is there not room for discussion?

The Chair: There is room for discussion. Any amendment is open for debate, and once there are no more speakers, it will go to a vote.

Raquel Dancho: Okay. Then I have comments in defence of clause 1.

The Chair: Please go ahead.

(On clause 1)

Raquel Dancho: Thank you very much. I think some of my Conservative colleagues may also have comments.

Clause 1 in particular, much like the rest of this bill, is setting up the whole reason that the natural health products industry has felt under attack over the last number of years. They've repeatedly said, as has been said at this committee in the past and as the world has recognized Canada as a leading national health product regulator, that natural health products are distinct from pharmaceutical drugs or therapeutics, or whatever you'd like to call them.

Again, clause 1 is to ensure that this clear distinction remains. Conservatives support a robust regulatory regime, as we have had in Canada for natural health products, and I'm proud that a few decades ago, this committee set the standard for Canada that led the world. This bill and this clause are an effort to maintain the integrity of that unique distinction. National health products are not food and they're not pharmaceutical drugs.

That is the goal of this bill: to stop the erosion of that distinction over the last three years by the Liberal government, whether it's associating them with therapeutic products—which is language we've heard—whether it's trying to ensure that their labelling is the same as the labelling for pharmaceutical drugs when natural health products have been clearly distinguished as unique, proportionate and risk-based, or whether it's the Liberal government's attempt at cost recovery comparable with the pharmaceutical industry, which would, of course, bankrupt much of the natural health product industry in Canada.

It's not only about Vanessa's Law in the sense of associating them with therapeutic drugs for recall purposes. It's the whole picture of what has been transpiring in the Liberal government over the last three years to erode the distinct nature of natural health products in favour of governing them and regulating them like therapeutic drugs and pharmaceutical drugs.

That's why clause 1 is so important. We're very proud to have brought this bill forward in defence of the industry.

Again, just to be clear, I feel that there's been a lot of misleading content at this committee, perhaps not purposely, that makes it seem as though natural health products are not regulated. They are heavily regulated. We heard that today from Health Canada. They are regulated. Strict labelling requirements existed before 2023. We're very proud that we had a strict regulation scheme in Canada for them, and that should continue, but natural health products should not be associated with pharmaceutical drugs.

Again, I just want to make that case for clause 1. If this clause and this bill do not pass, that erosion of natural health products as distinct in regulation from pharmaceuticals will continue.

I also wanted to make the case that the Conservatives have not made a case against recall. What we've made the case against is classifying them alongside therapeutics.

• (1755)

[Translation]

Marie-Hélène Gaudreau: I have a point of order, Mr. Chair.

[English]

The Chair: Go ahead on a point of order, Madame Gaudreau.

[Translation]

Marie-Hélène Gaudreau: I want to be clear on the process. Amendments were submitted, and I want to know where we're at. I want to understand what we're doing right now, because I have an amendment to the first clause I'd like to propose. What's the process?

[English]

The Chair: Madame Gaudreau, there's clause 1, and then after that there will be a new clause 1.1, which is your clause. Right now the Conservatives are speaking to clause 1, and they have every right to speak. Until I get a vote on that one, I will not be able to go to yours.

[Translation]

Marie-Hélène Gaudreau: Yes, but my understanding is that before we vote on it, any proposed amendments have to be moved, debated and voted on.

[English]

The Chair: That's right.

[Translation]

Marie-Hélène Gaudreau: Very good.

[English]

Raquel Dancho: It's not my intention to go on forever, but I do recognize that this is going to come to a vote. If this clause fails to pass, and I am concerned that it will not pass, it's important that what's at stake for the natural health product industry is clear. We are hearing loud and clear that if this bill does not pass and this erosion continues, it will be very dire, particularly for Canadian natural health product companies.

I just want to make very clear the importance of the thousands of letters and emails and the campaign that has been led by the natural health product industry, and the importance of those products to the millions of Canadians who take them. This bill is important, and that unique distinction from therapeutics should remain. That's why Conservatives have put this forward in clause 1 and will be voting in favour of it as it stands.

Thank you, Mr. Chair.

The Chair: Thank you.

If there are no more speakers, I'll take a vote.

Shall clause 1 carry?

An hon. member: I'll ask for a recorded vote.

[Translation]

Marie-Hélène Gaudreau: Mr. Chair, I thought it was clear that I would be given the floor to propose my amendment.

[English]

The Chair: Yours is a new clause, clause 1.1. I will come to it right after this vote. As soon as I get the vote on this one, I will go to the new clause 1.1, which is Bloc Québécois amendment BQ-1.

Please take the vote.

Raquel Dancho: I have a point of order, please.

The Chair: There's no point of order in the vote. The vote is called. Let's take the vote.

Raquel Dancho: If there's no clause 1, then there's no clause 1.1.

[Translation]

Marie-Hélène Gaudreau: That's correct.

Therefore, Mr. Chair, I have to propose my amendment before we vote on clause 1, so we can debate it. Then we will finish with clause 1.

[English]

The Chair: Let me clear it up.

It will be a new number and will be reprinted, as per the legislative clerk.

Let's take the vote, please.

[Translation]

Marie-Hélène Gaudreau: I didn't get an answer to my question. I know we have to vote, but seriously, I don't understand the procedure, Mr. Chair.

[English]

The Chair: I can again go over it, Madame Gaudreau.

Once I take the vote, whatever the result is, after this there is going to be a new clause 1.1, which is your amendment. I will come back to that one. Have you understood clearly?

• (1800)

[Translation]

Marie-Hélène Gaudreau: It's not the opposite, then.

[English]

The Chair: It will be renumbered.

[Translation]

Marie-Hélène Gaudreau: Do I have your assurance that I will be able to propose my amendment even if, theoretically speaking, clause 1 disappears?

[English]

The Chair: Yes.

[Translation]

Marie-Hélène Gaudreau: Mr. Chair, can we suspend for two minutes, to help me fully understand what's going on, so I don't keep raising points of order? Can you give us two quick minutes?

[English]

The Chair: I will do that, even though I'm not allowed to during the vote. I will entertain you. I want you to make sure that you are clear in your mind before you vote.

Thank you. We are suspended.

• (1800)

_____(Pause)_____

• (1805)

The Chair: I call the meeting back to order.

I'm sorry, but in the discussion among different parties and the legislative clerk, it is my understanding that we are going to.... Do I have unanimous consent to go to the amendment before we go to clause 1?

Some hon. members: Agreed.

(Clause 1 allowed to stand)

The Chair: We have amendment BQ-1, and we go to new clause 1.1.

BQ-1 specifies that a definition be applied to sections that are amended by later amendment. On BQ-2, if BQ-1 is adopted and BQ-2 is not adopted, it could create an incoherence.

Shall BQ-1 carry?

Go ahead, Madame Gaudreau.

[Translation]

Marie-Hélène Gaudreau: Mr. Chair, I'll quickly explain the rationale behind my amendment. It will give my fellow members a choice. Obviously, if the amendment is accepted, we will be able to consider its overall application.

What the amendment does is add to the "therapeutic product" definition. Everyone received the amendment, but I'll read it anyway:

in section 2, sections 21.3 to 21.303 and the regulations made under

No, wait. It should be clause 1.1. Even I'm mixed up.

We need to add that the "therapeutic product" definition applies to natural health products within the meaning of the natural health products regulations.

Indeed, that's exactly what we heard. A question was raised about how certain powers could be given back. We just heard that passing the bill as is would eliminate the power to take action in relation to natural health products. Since the idea is to focus on prevention, in my view, this will ensure that products potentially posing a risk to health and the environment are taken off the market.

Even if companies produce safe products and comply with the legislation, recalls are issued on a voluntary basis. Therefore, we really think the minister must be able to enforce recalls as a last resort.

This adds a safety net to the definition of therapeutic products.

• (1810)

[English]

The Chair: Thank you.

Ms. Dancho is next.

Raquel Dancho: Thank you, Mr. Chair.

I appreciate the amendment, but I do have some questions. Perhaps the law clerks can provide some insight.

I want to understand how this interacts with the legislation and the sections of the legislation that are included in this amendment.

When I'm reading proposed paragraphs 30(1.2)(f.01) and (f.02), I'm wondering if there is any way that would connect that to therapeutic product penalties. I'm just not clear what we're really voting on. I appreciate the objective, but I want to be clear on the legal impact.

The Chair: Ms. Dancho, they are not the legal experts. They are the legislative clerks and they cannot answer these questions.

Raquel Dancho: May I direct my questions to Madame Gaudreau?

The Chair: Yes.

Raquel Dancho: Madame Gaudreau, if I may, does this amendment seek to ensure there are penalties on natural health products that are equivalent to those of the therapeutic industry, notably a \$5-million prohibitive fine? Is that the objective?

[Translation]

Marie-Hélène Gaudreau: As you'll see, the ultimate objective is in our second amendment, which you may have read. It's really a firewall to retain the ultimate recall power. Again, this is in the interests of prevention, health and the environment when it comes to the use of natural products.

I can read it right now, but that's the context for my next amendment.

[English]

The Chair: Thank you.

Is there any more discussion? I see none.

Shall BQ-1 carry?

Madame Gaudreau, do you want a recorded vote? Okay.

Madam Clerk, take the vote, please.

Helena Konanz: I have a question. In the middle of the vote, she had a question, and I think I should be able to have a question in the middle of the vote now too, with your permission.

The Chair: I can give you permission.

Helena Konanz: Isn't there usually somebody here to explain the legalities of what the MP is suggesting?

The Chair: Not necessarily.

Helena Konanz: Not ever...?

The Chair: No.

Please go ahead with the vote.

(Amendment negatived: nays 9; yeas 1 [See *Minutes of Proceedings*])

• (1815)

The Chair: Shall clause 1 carry?

We'll have a recorded vote.

Matt Strauss: Can I speak?

The Chair: I called the vote already.

Matt Strauss: I had my hand up before you called it.

The Chair: I called the vote.

Go ahead, Madam Clerk.

(Clause 1 negatived: nays 7; yeas 3)

(On clause 2)

The Chair: Shall clause 2 carry?

I see two people with their hands up, Dr. Strauss and Ms. Dancho.

Matt Strauss: I'm really confused about what's going on over on the Liberal side of the table. It seems to me that they all voted in support of this bill at second reading. I'm a new parliamentarian,

but my understanding is that this means they support the bill in principle. If someone supported this bill in principle and, therefore, voted yes to it, I don't know why they would now be at the committee voting down clause 1 and, I suspect, about to vote down clause 2.

The Chair: Every committee member has the sworn right to do whatever they want to do. In the House you as a member have a duty to do so and in a committee you as a member have a duty to do so. Whatever any member does is according to their conscience.

I would like you to carry on, if you have any questions around it.

Matt Strauss: Thank you for affirming my ability to do whatever I like to do, as well as their ability. Of course they're free to vote however they want, but I'm free to ask them to defend what it is they're doing here.

I listened to the testimony. I listened to their questions. I thought they made some good points. I was interested to hear more discussion about what they wanted to do legislatively. Now I'm just not sure what's going on. If I as a physician and a parliamentarian who's been sitting through the testimony does not understand what's going on or what they're thinking, then I don't know how Canadians following along at home would be able to make any sense out of this at all.

I'm just raising that flag. I hope some of their hands will go up. Perhaps they will also be speaking to this.

Thanks.

The Chair: Thank you.

I have Ms. Dancho and then Madame Gaudreau.

Raquel Dancho: Thank you very much.

I had similar questions. I don't see Liberals raising their hands to defend their decisions. That's fine. That is their right, but it is odd because I also think they've raised issues of recall, that recall is important to them. We've also made it clear that we're not opposed to recall. Our opposition is to instituting a recall provision like what has been done that associates it also with therapeutics—i.e., pharmaceuticals.

It's odd that if that's the reason they can't support this bill, even though we've said there might be an opportunity here to find a happy medium, it wouldn't be proposed, when they originally, to Dr. Strauss's point, supported this bill. Why not be open, then, to getting this across the finish line in maybe an amended form that meets us both ways? They're not putting anything forward, which I find odd. Maybe they will later on. We don't know.

Again, if the issue is recall or labelling or something, then why not work together, or just attempt to, in order to figure out a way to find something whereby we can protect the unique distinction of therapeutic products? However, they're refusing to do that. That makes me think that maybe this is just the beginning for therapeutic products. If there's no openness at all to being reasonable, what's coming next? Are they going to repeal everything about the distinction of natural health products? Maybe not. That's just me wondering, but why not be reasonable and put forward suggestions? They supported it a few months ago, yet here we are. We've heard nothing of why they've changed their minds or why we can't have a proposal from them that we'd maybe be open to and that would get part of this across the finish line.

Of course, that causes us and others in the industry whose concerns we have carried to ask whether there is something worse coming. Why else would they not be trying to work together on this and get something that they previously supported across the finish line?

Thank you, Mr. Chair.

● (1820)

The Chair: Go ahead, Madame Gaudreau.

[Translation]

Marie-Hélène Gaudreau: Mr. Chair, you agree with me on the fact that there was unanimous consent in the case of Bill C-224 to get through all the amendments—obviously, I'm the only one that has any, because others were withdrawn—and then go back to the clauses, one by one.

That leads me to ask that we halt the process and clear the amendments, so to speak. You know as well as I do that I have a second amendment to propose. Basically, I'm asking for what we had agreed on: I propose my amendment, the committee debates it and then we go back to the clauses.

[English]

The Chair: Madame Gaudreau, I am doing the best I can as chair in being neutral and fair. That is my job.

If there are no other speakers, does clause 2 carry?

I see nays.

Raquel Dancho: We're all in favour.

The Chair: Do you want a recorded vote?

[Translation]

Marie-Hélène Gaudreau: Actually, Mr. Chair, I just wanted to point something out, and I'm looking to my colleagues for confirmation: There was unanimous consent a few minutes ago. We can't move on to clause 2 if we haven't yet considered the second amendment.

[English]

The Chair: Madame Gaudreau, there is no amendment to clause 2.

I'm going to call the vote one more time. This is the last time.

Shall clause 2 carry?

(Clause 2 negated: nays 6; yeas 4)

The Chair: Does clause 3 carry?

[Translation]

Marie-Hélène Gaudreau: Just a minute, there's an amendment.

[English]

The Chair: There's a new clause 3.1. We'll come back to that one after this.

Clerk, take the vote, please.

● (1825)

[Translation]

Marie-Hélène Gaudreau: I am voting in favour of the clause, but with my amendment. That's how little sense this makes.

(Clause 3 negated: nays 6; yeas 5)

[English]

The Chair: Now we'll go to new clause 3.1, which is BQ-2. Shall the amendment carry?

Raquel Dancho: I have a point of order, please.

[Translation]

Ms. Gaudreau wishes to speak to her amendment.

[English]

The Chair: Madam Clerk, take the vote on BQ-2. Shall it be carried?

[Translation]

Marie-Hélène Gaudreau: I would like the floor, Mr. Chair.

[English]

The Chair: Madame Gaudreau, you have the floor.

[Translation]

Marie-Hélène Gaudreau: Thank you.

My next amendment is consistent with the first but is still important. Unfortunately, the law is weakened with a bill like this one, so we want to give it teeth. Through this amendment, we want to give the minister regulatory powers to establish a penalty regime specific to the product context. That is why we proposed adding the following:

(f.01) respecting the recall of a *natural health product* within the meaning of the *Natural Health Products Regulations*;

(f.02) prescribing penalties for the contravention of subsection 21.3(3) in respect of a *natural health product* within the meaning of the *Natural Health Products Regulations* or the contravention of the regulations made under paragraph (f.01);

Everyone received and read the amendment. If my fellow members had any questions, they could have come to see me before or after question period.

As I explained, in amending and passing this bill, we absolutely must not create exemptions regarding the minister's power to issue recalls and make amendments in relation to labelling, among other things.

[English]

The Chair: Thank you, Madame Gaudreau.

I don't see any hands up.

Clerk, take the vote, please.

(Amendment negatived: nays 9; yeas 2)

(On clause 4)

The Chair: Shall clause 4 carry?

Dr. Strauss, go ahead.

Matt Strauss: To add some commentary on clause 4, I was just so excited to be elected to the House. I thought it would be so interesting and important for Canadians that we come here, we vote on stuff, we think about it, we discuss our thinking and we justify what we're thinking to the people we represent.

What are they doing over there, Chair? I'm directing my comments through you.

You voted for it in principle. You thought it was a good thing, so you all voted for it, and then you've done this switcheroo. I'm not one of your constituents, but don't you think you owe your constituents the slightest fig leaf of an explanation for why you voted for it and now you're deleting it clause by clause without engaging with any of the amendments that Madame Gaudreau has brought and without engaging with the testimony from the experts? It almost seems to me that you were told to vote for it and you didn't know why, and then you were told to vote against it and you haven't been told why.

It almost seems to me that you're representing some power, perhaps at the PMO, rather than your constituents at this table, and it just hurts me. I think your constituents deserve better, and you owe yourselves better. Just explain why you're doing this, please.

• (1830)

The Chair: Thank you.

There are no more hands up.

Go ahead, Ms. Dancho.

Raquel Dancho: Thank you very much, Mr. Chair.

I think it was our expectation, based on past experience with PMBs, that there would be some officials here who could answer some of the interaction questions that we have. To be honest, I was hoping to ask some of those questions, but I appreciate that they were not within the scope of what the legislative clerks generally answer.

In past PMBs, we've had the opportunity to question department officials as well. Just to be clear, I do feel that we should have been asked by you if we wanted department officials. You're not required to, but in the past, that's been the case.

I would just ask that in the future we have some department officials related to whatever private member's bill we're going through. For Madame Gaudreau's amendments there were some things I didn't mind, but then again, there were questions I wanted clarification on that were highly technical regarding how this interacts with other bills.

This process seems to be going very fast and, obviously, there's been significant confusion in what we're doing. I feel that we can't do Madame Gaudreau's amendments justice because there aren't officials here who can answer our simple questions about how this interacts with other legislation—

The Chair: [*Inaudible—Editor*]

Raquel Dancho: I have the floor, Mr. Chair, unless I'm violating a rule.

Raquel Dancho: Okay. Thank you very much, Mr. Chair.

I would just ask that in the future we have officials here who can answer those questions so that I can make an informed vote.

Madame Gaudreau, I appreciate your efforts here. Thank you.

The Chair: No. Just carry on.

The Chair: Thank you.

Ms. Dancho, you had the officials before, and you had half an hour to ask questions.

Raquel Dancho: Well—

The Chair: I will now go to Dr. Strauss.

Raquel Dancho: I have a point of order, Mr. Chair. You are misleading what I am saying—

The Chair: I am not misleading at all.

Raquel Dancho: Yes, you are, Mr. Chair. These were confidential until they were moved. I was not allowed to ask about them.

The Chair: You had that time—

Raquel Dancho: Thank you, Mr. Chair.

I was not allowed to ask about these amendments until literally five minutes ago. I would have been breaking procedure.

The Chair: Okay.

Mr. Strauss is next.

Matt Strauss: I just want to extend my warmest invitation to all the members opposite to consider joining the Conservative Party of Canada. If they were sitting as Conservative members, they would have been able to say at the committee what they think about this bill.

We are not so tightly controlled. We are able to be open with each other, open with Canadians and open with our constituents. I think it would do your souls a lot of good not to be behaving as puppets.

The Chair: There are no other hands up. We will vote.

(Clause 4 negatived: nays 7; yeas 4)

The Chair: Shall the title carry?

Some hon. members: No.

An hon. member: On division.

The Chair: Shall the bill as amended carry?

Maggie Chi: Did we need to do a vote on the title?

The Chair: I said “nay” and nobody objected.

Maggie Chi: I said “no”.

The Chair: Yes, you said “no”.

I said “no”, so it's negative.

Maggie Chi: Oh, it's negative. I'm sorry, Chair.

The Chair: Yes, it was because there wasn't an ask for a recorded vote.

Shall the bill—

Raquel Dancho: I have a question.

This is just a point of clarification. It's “the bill as amended”, as you said. However, there's nothing in this bill because it was completely defeated. We're voting on essentially nothing.

The Chair: Yes. Basically, a simple empty paper will go—

Raquel Dancho: Okay. We obviously don't support that. We'll be voting “no” to the Liberal's empty paper.

The Chair: Go ahead, Dr. Strauss.

Matt Strauss: I just want it to be clear on the record for Canadians watching at home.

They voted for this bill in principle. Now, it's come here, and they've voted to delete every sentence of the bill and now to return a blank piece of paper where there had been a bill that they support-

ed. Not only have they done this dirty trick, but they refuse to say why they're doing this dirty trick. It flies in the face of every democratic principle I can think of.

Some of the members there were initially voted in with Justin Trudeau, who promised the most open government possible. This is Stasi politburo stuff. You're voting for a bill and then deleting every clause in it and not even having the good graces to tell Canadians why you're doing this. It's appalling.

● (1835)

The Chair: Shall the bill carry?

Some hon. members: No.

[*Translation*]

Marie-Hélène Gaudreau: I'm not saying anything else.

[*English*]

The Chair: Shall the chair report the bill as amended to the House?

Some hon. members: Agreed.

The Chair: Shall the committee order a reprint of the bill as amended for the use of the House at report stage?

Some hon. members: Agreed.

With that, I want to thank the honourable members, the legislative clerks and, of course, the support staff.

With that, the meeting is adjourned.

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