



Canadian Alliance of Regulatory Bodies of Traditional Chinese Medicine  
Practitioners and Acupuncturists

Alliance canadienne des organismes de réglementation des praticiens de la médecine  
traditionnelle chinoise et des acupuncteurs

May 27, 2024

VIA EMAIL

**Re: Bill C-368, An Act to Amend the Food and Drugs Act (Natural Health Products)**

We are writing to you today to extend our support for Bill C-368 and the repeal of sections 500-504 of the Budget Implementation Act, 2023, No. 1 (formerly Bill C-47) to ensure proper consultation and debate on the regulation of Natural Health Products (“NHP”) in Canada.

The Canadian Alliance of Regulatory Bodies of Traditional Chinese Medicine Practitioners and Acupuncturists (“CARB”) is the national forum and voice of provincial regulatory authorities that are established by their respective provincial legislation to regulate [Traditional Chinese Medicine Practitioners and Acupuncturists](#) (“TCM/A”). TCM/A professionals are essential integrative healthcare providers in Canada and may use NHPs in their practice.

Bill C-368 aims to repeal sections of the Budget Implementation Act which redefined NHPs and subjected the NHP industry to heightened regulation and excessive fines without appropriate consultation, debate, or deference to previous recommendations made by the Standing Committee on Health in their 1998 report, [Natural Health Products: A New Vision](#). We support Bill C-368 as it reaffirms the appropriate differentiation between pharmaceutical drugs and NHPs. As noted in the Standing Committee’s report, “NHPs are different in nature from and must not be treated strictly as either food or pharmaceutical products.” Moreover, while NHPs must meet safety and quality standards just like other regulated products, the Standing Committee noted that “NHP regulations must not unduly restrict access by consumers” or “place inappropriate cost on industry, consumers, and government.” The Standing Committee also highlighted the importance of respect for diverse cultural traditions when considering the regulatory framework for NHPs. Within this context, Bill C-368 is essential to ensure that the regulation of NHPs remains in alignment with the unique needs and composition of the industry and that changes to the regulatory framework do not negatively impact product affordability and patient access to care.

As an alliance of regulatory bodies, we understand and embrace the importance of regulation to ensure the safe, competent, and ethical care of Canadians. We also believe, however, that regulation must be designed with attention to the level of risk to the public and the most proportionate means to mitigate that risk. In its 1998 report, the Standing Committee noted that “regulatory resources would be best directed towards those products that are less safe” rather than applying the regulatory framework for pharmaceutical drugs to all NHPs as a blanket strategy. This recommendation took into account the differences between the pharmaceutical and NHP industries, such as organizational size, revenue share, and sources of evidence, as well as the diverse uses of NHPs beyond the therapeutic. In short, if any changes to the NHP regulatory framework are needed, we believe the changes should aim for a targeted risk-mitigation approach with a focus on regulating high-risk products where necessary. A risk-based approach to NHP regulation, which could be adopted based on the previous regulatory framework if Bill C-368 is passed, will protect

consumers, minimize upward pressure on regulatory and product costs, maintain patient access to culturally appropriate care, and allow integrative health care professionals to continue to offer preventative and chronic care to Canadians.

On August 8, 2023, we submitted feedback to Health Canada on the [new fee proposal for NHPs](#) given the possibility of unintended consequences to the public if the fee schedule as presented was adopted. Our concerns centred around affordability, patient access to care, and strengthening the health care system, which remain relevant to the wider discussion on the regulation of NHPs in Canada:

### **Affordability**

Changes to the regulation of NHPs to align with the requirements of pharmaceutical drug regulation and the corresponding increase in regulatory fees required will necessarily mean higher costs for patients to access the products they need to maintain good health, even with a mitigation strategy for small business owners. This may, in turn, drive consumers to seek non-compliant, unregulated products from outside of Canada, and to do so without consulting health care providers who are informed about the uses, benefits, and risks of NHPs. This will increase the likelihood of adverse outcomes for consumers, decrease viable solutions for care, and increase pressure on the public health care system.

### **Patient Access to Care**

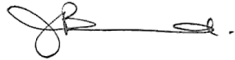
Increasing the regulatory fees for NHPs may also have the unintended consequence of limiting access or eliminating from the Canadian marketplace many NHPs, especially those highly-specialized, historically established NHPs used in the treatment of TCM/A patients. As a result, TCM/A Practitioners, who were deemed essential service providers across provincial jurisdictions during the COVID-19 pandemic, may no longer have access to certain treatment options for their patients and this, in turn, will limit a patient's right to choose and access to care. This is particularly concerning in that the changes to NHP regulatory fees will inordinately affect certain cultural populations that rely more heavily on traditional medicines. In the context of TCM/A, Canada's Asian population, which, according to [Statistics Canada](#), represents approximately 17% of the population and could represent 55.7% to 57.9% of all immigrants entering the country by 2036, will be heavily impacted by lack of affordability and lack of access to TCM treatments.

### **Strengthening the Health Care System**

Finally, increasing the regulatory fees for NHPs may place a greater burden on our existing health care system. Integrative health care professionals, such as TCM/A Practitioners, play a key role in providing essential services by alleviating pressures on the health care system. They provide preventative and chronic care support to the [millions of Canadians](#) who access alternative or complementary health care each year. This keeps these patients out of physicians' offices, pain clinics, and urgent care facilities. It also reduces the use of pharmaceuticals, further lowering patient risk and costs for the public health care system. The impacts of increasing regulatory NHP fees on product affordability and a patient's access to care, as outlined above, may result in fewer patients accessing this type of care and an increase in patients with urgent or advanced health issues entering an already overburdened public care system.

In our August 8 letter, we encouraged Health Canada to engage in broader consultation on the fee increase proposal prior to implementing any changes. We also hope to see comprehensive and transparent consultation and debate on any proposed changes to the regulation of NHPs in Canada and encourage your support of Bill C-368 to ensure this discussion takes place.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer Bertrand', with a long horizontal flourish extending to the right.

Jennifer Bertrand  
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