A PROPOSED NEW CANADA HEALTH PROTECTION ACT

Health Canada will be conducting public consultations this winter on proposed new legislation in the area of health protection.

The new legislative framework would be centred on a new Canada Health Protection Act that would replace the Quarantine Act (1872), the Food and Drugs Act (1953), most of the Hazardous Products Act (1969), and the Radiation Emitting Devices Act (1969). Existing laws that would remain in force, such as the Tobacco Act and the Pest Control Products, would work together with the new Canada Health Protection Act to produce a stronger legislative framework for health protection.

Back in 1998, extensive consultations were held across Canada with health professionals, industry, advocacy groups, and members of the Canadian public, to identify issues the new legislation should address. Those consultations led to this proposal for a new Canada Health Protection Act.

Following up on a commitment made in the Speech from the Throne 2002, Anne McLellan, federal Minister of Health, has launched a second round of consultations, this time seeking views on a detailed proposal for new health protection legislation. The final step will be to draft a Bill and initiate the parliamentary process.

"One of government's most important responsibilities is to ensure an effective and responsive health protection system is in place to protect citizens," said Minister McLellan. "Canadians have a right to expect that their food is safe to eat, that their drugs are effective and safe, that household products they use are safe, and that there are strong measures to protect them from new and re-emerging communicable diseases."

She added that these consultations will give Canadians the opportunity to participate in discussions on the legislative proposal before a new Bill is drafted. "Public consultation is a cornerstone of ensuring that federal health protection programs deserve public confidence," said the Minister. "This important initiative goes to the core of Health Canada's responsibilities. I invite everyone to take part in this review."

Among other aspects, the proposal for a new Canada Health Protection Act includes the following elements:

FUNDAMENTAL VALUES The following core values are proposed for discussion: primacy of health and safety; openness; and accountability.

GUIDING PRINCIPLES FOR RISK DECISION-MAKING The proposal also identifies key guiding principles in addressing health risks: “Assessment” of risk based solely on science and objective observation; weighing risk against potential advantages for Canadians; concept of precaution; allowing for informed choice by consumer; considering health determinants; and linkage between human health and a healthy environment.

GENERAL SAFETY REQUIREMENT In addition to specific safety standards set in the regulations, the Act would establish a General Safety Requirement that would make it illegal to sell a product that presents an undue risk for the public.
CATEGORIZATION OF PRODUCTS Ways of categorizing products for regulatory purposes and definitions of “food”, “health products”, “natural health products”, and “cosmetics” are presented for discussion.

REVIEW OF NOVEL PRODUCTS The Act would include improved legislative authority regarding the review process for new drugs, genetically modified food and other novel products, including concrete suggestions to make the process more transparent.

ADVERTISING OF HEALTH PRODUCTS A series of “tools” to deal with the issue of advertising of health products are proposed for discussion.

HEALTH AND SAFETY RELATED ACTIVITIES In the absence of provincial legislation, the Act would allow the federal government to regulate activities arising from new technologies such as gene therapy.

COMMUNICABLE DISEASES Within the ambit of federal jurisdiction, the Act could update the legislative authority to take action to prevent the spread of communicable diseases (e.g. quarantine powers for persons and products entering or leaving Canada or travelling across the country), while ensuring adequate protection for human rights.

PASSENGER CONVEYANCES The Act would help ensure that proper health and safety standards are maintained on passenger conveyances for water, food, ventilation systems and general sanitation.

HEALTH SURVEILLANCE AND RESEARCH The Act would clarify the authority of Health Canada to conduct health surveillance and research activities, in cooperation with other governments and organizations.

CONFIDENTIALITY The Act would attempt to strike the right balance between the need for Health Canada to collect, use, and disclose health information to protect the health of Canadians and the need to safeguard privacy and commercial confidentiality.

REGULATORY AUTHORITY The Act would clarify and modernize the regulationmaking powers of the government.

ENFORCEMENT More efficient legal tools could be provided to ensure compliance with the law.

EMERGENCY RESPONSE The Act could provide more flexibility to address urgent situations, for example by allowing the Minister to issue emergency interim orders.

The detailed legislative proposal and background documentation are posted on Health Canada’s web site at http://renewal.hc-sc.gc.ca

In order to participate in the consultation sessions that will be held across the country in the fall and winter 2003, interested parties should register either directly on the web, or by calling 1-888-288-2098.