



**BY EMAIL:**

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June 7, 2024

Standing Committee  
Social Affairs, Science and Technology  
The Senate of Canada  
Ottawa, ON K1A 0A4

**Subject: Clause 326 – Bill C-69**

Dear Committee members:

The Conseil du patronat du Québec (CPQ) would like to share its concerns with the members of the Senate regarding Bill C-69, specifically, [clause 326](#) of [Division 31 of Part 4](#), which amends the *Food and Drugs Act*. This section gives the Minister of Health significant discretionary powers over the marketing of therapeutic products. While the CPQ supports the public health objectives of these provisions, it is very concerned about their economic and social impact, and it questions the breadth of their scope.

The Minister could, by order, “establish rules in respect of the importation, sale, conditions of sale, advertising, manufacture, preparation, preservation, packaging, labelling, storage or testing” of a therapeutic product without any scientific evidence of health risks.

Thus, a product that has passed the established regulatory process and is approved by Health Canada may have to be completely withdrawn from the Canadian market by unilateral decision of the Minister in office “if the Minister believes that the use of a therapeutic product, other than the intended use, may present a risk of injury to health.” In practice, the order could be made based on perceptions, public prejudice, bad press from a competitor, or political or ideological considerations that have little to do with public health. A therapeutic product, even if it had been approved by Health Canada, could have to be withdrawn from the market, penalizing the company, manufacturer or marketer.

It is important to note that the scope of these provisions is extremely broad, given that Health Canada’s [definition](#) of a therapeutic product, as set out in the *Food and Drugs Act*, is a “drug or device or any combination of drugs and devices.” This means that several product categories could be affected, without scientific evidence and despite the uncertainty.

Companies that are engaged in R&D, that innovate and develop new products to meet needs and that must go through Health Canada’s rigorous processes, risk having their efforts come to nothing due to a decision that does not have to be based on science or expert opinion. This would naturally introduce a high degree of uncertainty. Companies could therefore decide not to develop or market new products in Canada. At a time when governments want to encourage

private investment and innovation in Canada, this is clearly a step in the wrong direction. These provisions could even undermine confidence in Canada's business environment and respect for the rule of law.

The CPQ does not question the desired outcome, but rather the means used to achieve it. And what about the benefits of the product in question when the product is used as intended, and what about the consumers for whom the product meets a need? The provisions of the bill could even prevent **the testing** of the product to properly assess the benefits and risks.

The CPQ therefore believes that, instead of including clause 326 in the budget implementation act, the government should consider withdrawing the clause from the bill and conducting a separate study that takes into account all of the stated impacts.

The clause in question is unrelated to the government's April 2024 budget objectives. This clause could also have a significant impact on research and development, innovation and investment in Canada, as well as significant health and social repercussions if misused. It further represents an unwelcome politicization of health and public health issues. If the clause is not withdrawn, a way to limit the Minister's power must be found in order to reassure businesses and consumers.

Thank you for your attention to this matter. My team and I remain available to discuss this with you further.

Sincerely,



Karl Blackburn  
President and Chief Executive Officer  
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**About the CPQ:**

*Through its network, the CPQ directly and indirectly represents the interests of over 70,000 employers of all sizes, in both the private and parapublic sectors. It works with public authorities, business leaders and the general public to promote a business environment conducive to prosperity and responsible economic development. [www.cpq.qc.ca](http://www.cpq.qc.ca)*