

Canada Consumer Product Safety Act Bill C-36

On June 9, 2010, the federal government introduced Bill C-36, the *Canada Consumer Product Safety Act*. This proposed Act builds on the earlier version, known as Bill-6, which was introduced in the previous session of Parliament. Consumer products include such things as toys, paints, car seats, candles, hockey helmets, etc. Products covered by the *Food & Drugs Act*- foods, drugs, cosmetics, natural health products, medical devices- are **not** included in the scope of the *Canada Consumer Product Safety Act*. Further, Section 4(3) on page 5 of the proposed legislation specifically states, "*For greater certainty, this Act does not apply to natural health products as defined in subsection 1(1) of the Natural Health Products Regulations made under the Food and Drugs Act.*"

The *Canada Consumer Product Safety Act* was introduced to modernize and strengthen Canada's product safety legislation and provide ways to quickly and effectively protect the health and safety of Canadians. Bill C-36 will bring our product safety regime in line with our major trading partners.

Key provisions of the new proposed *Canada Consumer Product Safety Act* include:

- Prohibiting the manufacture, importation, advertisement or sale of any consumer products that pose an unreasonable danger to human health or safety;
- Requiring industry to report when they know about a serious incident, or death, related to their product and to provide government with timely information about important product safety issues;
- Requiring manufacturers or importers to provide test/study results on products when asked;
- Enabling Health Canada to recall dangerous consumer products;
- Making it an offence to package or label consumer products that make false or deceptive health or safety claims;
- Requiring companies to retain documents to help trace products throughout the supply chain; and
- Raising fines and penalties for non-compliance.

Significant stakeholder backlash to the proposed wording of Bill C-6 led to several changes in the proposed wording of Bill C-36, including

- Natural health products were specifically excluded from the provisions of Bill C-6.
- The term "storing" has been defined in order to clarify that Health Canada inspectors' authorities would not extend to products that individuals store for their personal use.
- The original Bill stated that a product safety inspector could pass through or over private property while carrying out their functions without being liable for doing so. The amendment to the trespass provision addresses concerns by removing the phrase "*and they are not liable for doing so.*"
- An amendment has been made so that the Minister of Health, not a product safety inspector, would be accountable for ordering product recalls and other related measures.
- An amendment has also been made to further define the time frame for the review of orders. Under the previous Bill, a review officer was required to complete the review "within a reasonable time." This has now been further defined to say: "no later than 30 days after the day on which the request is provided to the Minister."

Some segments of the natural health products industry continue to object to the proposed wording of Bill C-36. They feel that the government will use Bill C-36 as a precedent when they introduce a modified version of Bill C-51- a modernization of the current *Food & Drugs Act*. However, many of the powers of government and Inspectors identified in the proposed Bill C-36 and that were identified in Bill C-51 already exist in the Food & Drugs Act.

For additional information please visit the Health Canada website at <http://www.hc-sc.gc.ca/cps-spc/legislation/acts-lois/ccpsa-lcspc/index-eng.php>.

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