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Provincial and Territorial Deputy Ministers of Health
Provincial and Territorial Drug Program Managers
Deans of Pharmacy
Registrars of Provincial Medical and Pharmacy Associations
Industry and Consumer Associations
Regulatory and Health Professional Associations
Other Interested Parties

Dear Sir/Madam:

Re: *Food and Drug Regulations* - Project Number 1656 - Schedule F

The purpose of this Notice of Intent (NOI) is to provide an opportunity for comment on the proposal to amend the current listings in Part I of Schedule F to the *Food and Drug Regulations* for three medicinal ingredients to retain prescription status for specific strengths, uses, routes of administration or dosages while providing exemptions that would allow nonprescription status.

Schedule F is a list of medicinal ingredients, the sale of which is controlled under sections C.01.041 to C.01.049 of the *Food and Drug Regulations*. Part I of Schedule F lists ingredients that require a prescription for human use and for veterinary use. Part II of Schedule F lists ingredients that require a prescription for human use, but do not require a prescription for veterinary use if so labelled or if in a form unsuitable for human use.

Since the coming into force of the *Natural Health Products Regulations* in 2004, all naturally-sourced substances, meeting the definition of a natural health product, are governed by these regulations. However, products containing substances listed in Schedule F to the *Food and Drug Regulations* are explicitly excluded from the *Natural Health Products Regulations*.

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Health Canada has undertaken a review of the naturally-sourced medicinal ingredients listed in Schedule F. As part of this undertaking, the Department's Drug Schedule Status Committee ("the Committee") has reviewed science assessments for 11 naturally-sourced medicinal ingredients and has recommended that these medicinal ingredients could be regulated (in whole or in part) as nonprescription natural health products under the *Natural Health Products Regulations*. The Committee recommends prescription status or exemption from nonprescription status for medicinal ingredients on the basis of established and publicly available criteria. These criteria include, but are not limited to, concerns related to toxicity, pharmacological properties and therapeutic uses of the ingredients. Three of these 11 medicinal ingredients are presented in this project.

This proposed amendment would allow manufacturers to apply for market authorization for products containing the proposed exempted strengths, uses, routes of administration or dosages of the following three medicinal ingredients as natural health products pursuant to the *Natural Health Products Regulations*.

Description of the medicinal ingredients:

Dimethyl sulfoxide - The current listing for dimethyl sulfoxide (also referred to as DMSO) would be revised to retain prescription status for human use when dimethyl sulfoxide is sold for the treatment of interstitial cystitis or scleroderma and for all veterinary uses. All other human uses for dimethyl sulfoxide at any strength and in any dosage form would be exempt from prescription status. Dimethyl sulfoxide is found in many natural sources such as broad beans, alfalfa and garlic.

Drugs containing dimethyl sulfoxide for human use are available in Canada with a prescription for treatment of interstitial cystitis (a urinary bladder condition) and scleroderma (abnormal growth of connective tissue that supports the skin). Several products are currently available as prescription drugs for veterinary use to treat conditions such as ear inflammation in dogs. These products would retain prescription status.

Levocarnitine - The current listing for levocarnitine (also called L-carnitine) would be revised to retain prescription status for levocarnitine and its salts and derivatives when sold for the treatment of primary or secondary levocarnitine deficiencies. Levocarnitine and its salts and derivatives for any other uses at any strength, dosage form or route of administration would be exempt from prescription status. Levocarnitine occurs naturally in animal products and in small amounts in most plants.

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Overall, levocarnitine functions in the body mainly in optimal fat utilization for energy production. Absorption of levocarnitine is high from dietary sources but if dietary intake is low then the body can maintain a balanced level by synthesizing or reducing elimination of levocarnitine. In most people, sufficient quantities of levocarnitine are obtained from the diet or synthesized in order to meet human requirements.

Primary levocarnitine deficiency is a genetically inherited condition related to the processing of levocarnitine in the body and can lead to muscle weakness and death from heart failure. Secondary levocarnitine deficiency syndromes are numerous, and include genetic defects of metabolism. Treatment of these conditions with levocarnitine requires the supervision of a practitioner and routine laboratory monitoring.

L-Tryptophan - The current listing for l-tryptophan when sold as a single ingredient would be revised to provide prescription status for l-tryptophan
- when sold for human use in oral dosage form as a single ingredient or in combination with other ingredients at a concentration of more than 220 mg l-tryptophan per dosage unit or per daily dose and
- when sold for human use or veterinary use as a single ingredient for any route of administration other than oral use

L-tryptophan is one of the essential amino acids that cannot be synthesized in the human body and must be provided in the diet. L-tryptophan acts in the body in the formation of the vitamin niacin and the neurotransmitter serotonin.

L-tryptophan is available in Canada as a prescription drug for use in combination with antidepressant drugs to enhance the activity of the antidepressant. L-tryptophan is also sold in combination with other amino acids in kidney dialysis and intravenous nutrition solutions without a prescription. The proposed amendment would not change the status of these products.

Alternatives

The alternative option would be to leave these three medicinal ingredients in Schedule F for all strengths, dosages, dosage forms and conditions of use. As measured against the factors for listing drugs in Schedule F, it has been determined that maintaining the current listings in Schedule F for these three medicinal ingredients is not appropriate.

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As well, any alternatives to the degree of regulatory control recommended in this amendment would need to be established through additional scientific information and clinical experience.

Benefits and Costs

- **Public**
  The public may benefit by potentially having access to licensed natural health products that would otherwise have required a prescription because they contain trace amounts of Schedule F ingredients. Potential safety concerns for products containing these nonprescription medicinal ingredients would be considered during the premarket review process under the *Natural Health Products Regulations*; a review which determines whether the product meets the safety, efficacy, and quality requirements of the Regulations and which provides for risks to be mitigated through recommended conditions of use and risk information including cautions, warnings, contra-indications or known adverse reactions associated with its use, as appropriate.

- **Manufacturers**
  Manufacturers may benefit by being provided an opportunity to apply for product licences for natural health products containing the exempted strengths, uses, routes of administration or dosages of these medicinal ingredients.
  There would be no immediate impact on manufacturers as there are currently no known products on the market in Canada for the strengths, uses, routes of administration or dosages proposed for exemption from Schedule F. The status of currently marketed prescription drugs containing these ingredients would not change.

- **Health Insurance Plans**
  There would be no change in costs to drug benefit plans for prescription drugs containing these medicinal ingredients as their status would not change. Should natural health products containing the proposed exempted strengths, uses, routes of administration or dosages of these medicinal ingredients receive market authorization from Health Canada, there would be no anticipated additional costs to privately funded drug benefit plans since most do not cover the cost of natural health products.

- **Provincial Health Care Services**
  There would be no change in costs to drug benefit plans for prescription drugs containing these medicinal ingredients as their status would not change. Should natural health products containing the proposed exempted strengths, uses, routes of administration or dosages of these medicinal ingredients receive market authorization from Health Canada, there would be no anticipated additional costs to provincial drug benefit plans since most do not cover the cost of natural health products.

Compliance and Enforcement

This amendment would not alter existing compliance mechanisms under the provisions of the *Food and Drugs Act*, the *Food and Drug Regulations* and the *Natural Health Products Regulations* enforced by the Health Products and Food Branch Inspectorate.

Consultation

The process for this consultation with stakeholders is described in the Memorandum of Understanding (MOU) to streamline regulatory amendments to Schedule F, which came into effect on February 22, 2005. The MOU is posted on the Health Canada Web site.

This NOI is being sent by email to stakeholders and is also being posted on the Health Canada Web site and the *Consulting with Canadians* Web site.

Any comments regarding this proposed amendment should be sent as follows within **75** days following the date of publication in *Canada Gazette*, Part I.

The policy analyst for this project, Karen Ash, may be contacted at:

Refer to Project Number: **1656**
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Final Approval

In accordance with the MOU process, it is anticipated that this amendment will proceed directly from this consultation to consideration for final approval by the Governor in Council, approximately six to eight months from the date of publication of this NOI in *Canada Gazette*, Part I. If approved by the Governor in Council, publication in the *Canada Gazette*, Part II, would follow. The amendment would come into force on the date of registration.

Yours sincerely,

Original signed by
Meena Ballantyne
Assistant Deputy Minister