

Sale of Non-Drug Veterinary Products

Published: June 2020

Introduction

The system of drug management in Canada is complex and multi-layered and involves both federal and provincial oversight. This complexity can lead to confusion and often results in the need to clarify what laws and regulations apply in specific circumstances.

Outside of the strict framework for the sale of drugs, there are a variety of non-drug veterinary products that are used by veterinarians in the maintenance or promotion of the health of animals. In its review of these products and their use by veterinarians across all species, the Council noted that the majority are used in small animal practice. These products do not include drugs, nor retail items (i.e., pet food, leashes, cosmetics, medical supplies, nutraceuticals, etc.), available for sale in the public domain.

Historically, Council's interpretation has been that the sale of non-drug veterinary products be held to the same standard as the sale of drugs, inclusive of requiring a prescription and recent and sufficient knowledge obtained through a physical examination and/or premise visit. With changing channels of product access, Council has reevaluated the level of risk and determined that the sale of non-drug veterinary products requires a less stringent set of safeguards that continue to reflect the necessity and importance of the veterinarian-client-patient relationship (VCPR).



Non-drug veterinary products must be sold within a VCPR, which is a relationship established by conversation with a client. Unlike the requirements for prescribing and dispensing a drug, the requirement for recent or sufficient knowledge is not always necessary when selling a non-drug veterinary product. Instead, veterinarians are expected to engage with their clients to determine the appropriateness and suitability of a non-drug veterinary product for an animal(s) prior to sale.

Purpose and Scope

This Policy Statement has been developed to provide guidance for when a veterinarian chooses to sell a non-drug veterinary product to a client for the purpose of maintaining or promoting the health of an animal(s).

Definitions

Auxiliary: Auxiliary means a person involved in a veterinarian's practice of veterinary medicine, other than another veterinarian.

Client: Client means, with respect to a veterinarian, the owner of an animal(s) or group of animals, that the veterinarian is treating, an authorized representative of the owner, or an individual who the veterinarian reasonably determines is acting in the interest of the animal(s) or group of animals.

Drug: As per the *Drug and Pharmacies Regulation Act*, drug means any substance or preparation containing any substance (a) manufactured, sold or represented for use in (i) the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical or mental state or the symptoms thereof, in humans, animals or fowl, or (ii) restoring, correcting or modifying functions in humans, animals or fowl, (b) referred to in Schedule I, II, or III1 c) listed in a publication named by the regulations made under the *Drug and Pharmacies Regulation Act*, or (d) named in the regulations made under the *Drug and Pharmacies Regulation Act*.

Non-Drug Veterinary Product: Non-Drug Veterinary Product means a substance that is intended for use in the maintenance or promotion of the health of an animal(s) (e.g. pesticides, parasiticides, notified veterinary health products, etc.) that does not fall under the definition of a drug nor retail items available for sale in the public domain. For greater clarity, this definition excludes non-drug veterinary products listed in Appendix A.



Notified Veterinary Health Product: Notified Veterinary Health Product is defined by Health Canada as a low-risk drug in dosage form. They are used to maintain or promote the health and welfare of companion and food-producing animals. They are not for use to treat, prevent or cure disease. Notified Veterinary Health Products contain ingredients such as vitamins, minerals, and traditional medicines. A notified veterinary health product is also a non-drug veterinary product.

Expectations for Veterinarians Selling a Non-Drug Veterinary Product

A veterinarian, or an auxiliary working under the supervision of a veterinarian, may sell a nondrug veterinary product without a prescription or recent and sufficient knowledge obtained through a physical examination and/or premise visit to a client for the purpose of treating or promoting the health of an animal(s) if:

- (a) The non-drug veterinary product is sold within a veterinarian-client-patient relationship;
- (b) The client is provided with an opportunity to discuss whether the non-drug veterinary product is medically appropriate;
- (c) The non-drug veterinary product is sold to be used only in an on-label manner. A nondrug veterinary product to be used in an off-label manner requires a prescription;
- (d) The client is provided with information on the proper use, storage, handling, and the means of administration of the non-drug veterinary product;
- (e) The client is provided with information regarding common side effects and any serious risks associated with the administration of the non-drug veterinary product;
- (f) The client is provided with information on how to contact the veterinarian in case of adverse reaction to the non-drug veterinary product; and
- (g) A written transaction of the sale is made and maintained.

Guide to the Policy Statement

A separate *Guide to the Policy Statement: Sale of Non-Drug Veterinary Products* has been developed by the College and can be found on the Colleges' website www.cvo.org.



Legislative Authority

Food and Drugs Act and Regulations (Federal)

Controlled Drugs and Substances Act (Federal)

Drug and Pharmacies Regulation Act and Regulation 58/11 and Regulation 264/16 (Provincial)

Veterinarians Act (Provincial)

Regulation 1093 made under the *Veterinarians Act* (Provincial)

Resources

The following can be found at the College's website at cvo.org:

1. *Guide to the Policy Statement: Sale of Non-Drug Veterinary Products*
2. *Professional Practice Standard: Prescribing a Drug*
3. *Guide to the Professional Practice Standard: Prescribing a Drug*
4. *Professional Practice Standard: Dispensing a Drug*
5. *Guide to the Professional Practice Standard: Dispensing a Drug*
6. *Professional Practice Standard: Use of Compounded Drugs in Veterinary Practice*
7. *Guide to the Professional Practice Standard: Use of Compounded Drugs in Veterinary Practice*
8. *Professional Practice Standard: Extra-Label Drug Use*
9. *Guide to the Professional Practice Standard: Extra-Label Drug Use*
10. *Professional Practice Standard: Informed Client Consent*
11. *Guide to the Professional Practice Standard: Informed Client Consent*
12. *Professional Practice Standard: Establishing, Maintaining, and Discontinuing a Veterinarian-Client-Patient Relationship (VCPR)*
13. *Guide to the Professional Practice Standard: Establishing, Maintaining, and Discontinuing a Veterinarian-Client-Patient Relationship (VCPR)*

College publications contain practice parameters and standards which should be considered by all Ontario veterinarians in the care of their patients and in the practice of the profession. College publications are developed in consultation with the profession and describe current professional expectations. It is important to note that these College publications may be used by the College or other bodies in determining whether appropriate standards of practice and professional responsibilities have been maintained. The College encourages you to refer to the website (www.cvo.org) to ensure you are referring to the most recent version of any document.



Appendix A

Due to the complexity of federal and provincial drug oversight, the following substances that fall outside the definition of drug contained in the *Drug and Pharmacies Regulation Act* have been determined by the College to pose a higher risk to animal health and, therefore, continue to require a prescription provided after obtaining recent and sufficient knowledge through a physical examination or premise visit in order to be sold:

1. Biologics, including vaccines; and
2. Any substance that appears on Schedule “U” of the National Drug Schedules produced by the National Association of Pharmacy Regulatory Authorities.