

OH 442:1.2024

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## Pesah and Medicine

### שאלה (Question)

What medicines may one take during Pesah?

### תשובה (Response)

The rabbis classified illness into three categories. They are *holeh she'yesh bo sakkana* (one whose illness is potentially life threatening), *holeh she'ein bo sakkana* (one who has an illness that is not life threatening) and *meihush be-alma* (one who has a minor irritation) (*Mishneh Torah Hilhot Yesodei Ha-Torah 5:6;8*). These include not only physical illnesses, but also medications for mental health, including, medications for such issues as ADHD.

All major *poskim* agree that a *holeh she'yesh bo sakkana* must take any medications that are prescribed by their physician regardless of the contents of the medicine, even if they contain *hametz* or *tref. Pikuah nefesh* (the saving of life) is one of Judaism's highest values, and sets aside concern for both *kashrut* and *hametz* on *Pesah*, and (almost) every other item forbidden in the Torah (*Mishnah Yoma 6:8; Mishneh Torah Hilhot Yesodei HaTorah 5:6*). This applies even if we are unsure if the illness poses a danger. (*Bavli Yoma 85a-b*)

However, what about an illness that is not life threatening? Are we allowed to take all medicine regardless of ingredients, or may only medications that are free of forbidden ingredients be taken?

We first need to ask if medications that are taken by mouth, which is the same manner in which we consume food, ought to be considered as food/drink. If they are considered as food/drink, they ought to fall under the same rules concerning *hametz* that all food falls under, that is they are forbidden in even the smallest amount. However if they are not considered as food/drink, and we take them are they still considered *hametz*?

*Pesahim 24b* states that "Rabbi Abbahu said (that) Rabbi Yohanan said: (With regard to) all prohibitions (against eating) in the Torah one may be flogged for (violating) them only (if he eats the prohibited item in its usual) manner of consumption." In other words, Rabbi Abbahu teaches that one violates the eating of prohibitive foods only when eaten in the normal way. Is the taking of medicine, which is generally swallowed whole (though may also be found in powder form, often to be mixed with water), considered to be eating in the "usual manner of consumption"?

Rambam rules (*Hilhot Yesodei HaTorah 5:8*) that when prohibited items are used for (non-life-threatening) illness, but they do not cause any enjoyment when swallowed (other than the healing)...such as when they are mixed with bitter tasting items and then consumed, there is no satisfaction gained from its taste; it is permitted even when there is no danger (to life).

Would we say then that all unflavored pills and capsules fall into this category, since their taste is considered bitter?

Rabbi Shlomo Zalman Auerbach (*Minhat Shlomo* 1:17) ruled that even though swallowing food whole (without chewing-see *Pesahim* 115b) might be considered *ka-derekh akhilatan* (a normal way of eating), swallowing a pill or a capsule, which is not food, would not be considered *ka-derekh akhilatan* and is permitted to a sick person.

We can therefore conclude that a *holeh she'ein bo sakkana* is permitted to take all pills and capsules during *Pesah* (and year-round) because a) they are not prohibited as they are not consumed in the usual manner of consumption and b) they do not cause enjoyment when they are swallowed.

However, some medicines are liquids or chewable tablets that are specifically flavored to be more palatable to the mouth. Since they are indeed ingested in a similar way to eating, if made with forbidden ingredients are they then forbidden?

There are many authorities, including Rabbi Moshe Feinstein, who argue that liquids and chewable tablets, unless they involve a *holeh she'yesh bo sakkanah* (such as a child with a fever), are forbidden on *Pesah* unless they have a reliable *hekhsher*. Yet others argue that they are permitted because these are ingested, taken as medication and never as food, especially because even though their taste is somewhat palatable, no one takes them for enjoyment, and they may be harmful if taken in large quantities. (see Rabbi Dovid Cohen, *Sappirim* October 2008 pg. 2; Rav David Brofsky, *Torat Har Etzion: The Laws of Festivals-Lesson 5*, and below on the principle of *ahshivei*). Furthermore, one must be aware that even a questionably dangerous illness (*safek sakkanah*) requires taking whatever steps are necessary to preserve one's health, even if that means violating the normal rules of Shabbat or kashrut, including digesting medications that everyone would say are not kosher or not kosher for *Pesah*. (*Bavli Yoma* 84a-b, 85b; *Mishneh Torah Hilkhos Shabbat* 2:1-2; *Shulhan Arukh* O. H. 328:2,10)

The last category of illness for the rabbis is *meihush be-alma*, which includes minor discomforts such as minor muscle stiffness, non-debilitating headaches and the like. Since this also includes the taking of vitamins, what is the status of pain relievers and vitamin types of pills?

In *Pesahim* 21b it states, "As Rava said: if one charred (leavened bread) before its time (i.e. before *Pesah*) it is permitted to (derive) benefit from it even after its time (i.e. when it is *Pesah*; because it no longer has the legal status of bread)."

Because one is not allowed even to own *hametz* on *Pesah*, (and all the more so to derive benefit from it), by ruling as he did, Rava must no longer consider a charred bread to be *hametz*. Yet it is still possible to ask, is one permitted to eat it on *Pesah*? The *Rishonim* disagree regarding this matter. Some say that we apply a principle called *ahshivei*, which indicates that due to the very fact it has been eaten, its status (as food/*hametz*) has been restored and is now forbidden. Others however say that since the charred bread would not be eaten by a dog, it has lost its status as *hametz* forever and it cannot be reinstated.

What do we say the about medicine or vitamins for one whose illness is *meihush be-alma*? Do we hold that by consuming them we apply the concept of *ahshivei* and thus reinstate their status as *hametz*, or that they retain the status of "food that would not be eaten by a dog" and cannot be considered *hametz*?

Most modern *poskim*, (Hazon Ish, *Orah Hayyim* 116:8; R. Ovadia Yosef, *Yekhveh Da'at* 2:60; R. Eliezer Waldenberg *Tzitz Eliezer* 10:25) do not apply the concept of *ahshivei* to medicine or vitamins. Rabbi Moshe Feinstein (*Igrot Moshe Orah Hayim* 2:92) reasons that we do not apply it to medicines because people would be willing to chew and consume bitter and unpleasant items in order to alleviate their feeling ill. In other words, when people consume medicine it does not elevate it back to the status of food because unlike the burnt *hametz* that might be eaten, the medicine was not intended to be ingested as food.

There are two other serious considerations in this matter. The first is that for many, *Pesah* is a time of particular strictness concerning *hametz*. Yet due to this strictness, some who are a *holeh she'yesh bo sakkana* hesitate or even refrain from taking necessary medications. By permitting all pills and capsules to be taken because we hold that the concept of *ahshivei* does not apply to medicine, we help ensure that such people are encouraged to maintain taking all medicine that their physicians have prescribed for them.

The second consideration is that *Pesah* has often been described by many of our *ba'al habatim* as their most joyous time of the year. Families reunite and traditions are rekindled year after year. Their connection to *Pesah* helps define their connection to Judaism. Whatever ways we can help make their holiday celebration more joyous, especially when it comes to their health, can only enhance their observance of the holiday and bring them closer to Judaism.

#### **פסקי דין /Rulings:**

1. Anyone who has a serious and possibly life threatening illness should take any medication that their doctor has given them, regardless of whether it contains *hametz* or *trief*. This is based on the concept of *pikuah nefesh*, the saving of a life being one of Judaism's most important principles. This also applies to one whose illness is in the category of *safek nefashot*, and their current illness may get worse if not treated now.
2. One who is sick, but whose life is not in danger is permitted to take all pills or capsules, whether prescribed by a physician or over the counter medication. This is due to the fact that a pill is not swallowed (and therefore not regarded) as food, and no one feels enjoyment in their taste. Liquid or chewable medications that are flavored are also permissible, but one who wishes to be strict and rely only on liquid or chewable medications that have a kosher for *Pesah* certification is praiseworthy and may do so. If, however, such medication is only available without a kosher for *Pesah* certification, one should consult with their rabbi and physician. If the physician indicates the medication should be taken because of *safek nefashot*, they may be taken without a kosher for *Pesah* certification.
3. One who has a minor discomfort, or who relies on vitamins to maintain their health may take any pills, capsules and vitamins they feel are necessary. Should there be *hametz* in them, it is no longer considered edible and does not ever return to its former status (as edible) and therefore may be consumed as medicine. If one wants to be strict with themselves, as we often are on *Pesah*, vitamins that are certified as gluten free (and not containing oats, other grains or alcohol) such that a person with celiac disease could consume them, can be relied on, though it is best to purchase them prior to *Pesah*.

4. Pills taken for non-health reasons (such as for building muscle mass) should not be consumed unless they are vegan and certified as gluten free (as above, also not containing oats, other grains or alcohol), and should be purchased prior to *Pesah*.