

EC2014-611

EXECUTIVE COUNCIL ACT
 MINISTER OF HEALTH AND WELLNESS
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (INTEGRATING EMERGENCY HEALTH SERVICES AND PALLIATIVE
 CARE TO ENHANCE THE END OF LIFE EXPERIENCE FOR NS AND PEI
 CANCER PATIENTS AND THEIR FAMILIES INITIATIVE)
 WITH
 THE PROVINCE OF NOVA SCOTIA

Pursuant to clause 10(b) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Health and Wellness, as Minister responsible for Health PEI, to enter into an agreement with the Province of Nova Scotia as represented by Cancer Care Nova Scotia, to set out roles and responsibilities of the parties related to project funding from Canadian Partnership Against Cancer Partnership for the Integrating Emergency Health Services and Palliative Care to Enhance the End of Life Experience for NS and PEI Cancer Patients and their Families Initiative for the period January 13, 2014 to January 31, 2017, such as more particularly described in the draft agreement.

EC2014-612

EXECUTIVE COUNCIL ACT
 PREMIER OF PRINCE EDWARD ISLAND
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (MEMORANDUM OF UNDERSTANDING
 ON ENHANCING COOPERATION)
 WITH
 THE CHINESE PEOPLE'S ASSOCIATION FOR FRIENDSHIP
 WITH FOREIGN COUNTRIES

Pursuant to clause 10(d) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Premier of Prince Edward Island, as President of the Executive Council, to enter into a Memorandum of Understanding with The Chinese People's Association for Friendship with Foreign Countries to confirm the commitment of the participants to continuing to promote relationships and high level visits between provincial governments in China and Canada; to encouraging greater understanding and strengthening future relationships through increased bilateral collaboration where possible; and to exploring the possibility of new bilateral initiatives and exchanges to promote communication and cooperation in various forms for the benefit of both jurisdictions, such as more particularly described in the draft agreement.

EC2014-613

**FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2013-14)
DEPARTMENT OF TRANSPORTATION
AND INFRASTRUCTURE RENEWAL**

Pursuant to subsection 37(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council ordered that a Special Warrant do issue authorizing a supplementary payment out of the Operating Fund for the Department of Transportation and Infrastructure Renewal as follows:

Account Class	Account Name	Amount
	CORPORATE SERVICES Infrastructure	
0235-04146	Infrastructure Grants	\$2,500,000.00
	HIGHWAY MAINTENANCE OPERATIONS Provincial Highway Maintenance Operations	
0284-03010	Contract Services – Snow Removal	<u>1,000,000.00</u>
		<u>\$3,500,000.00</u>

EC2014-614

**HIGHWAY TRAFFIC ACT
DEMERIT POINT SYSTEM REGULATIONS
AMENDMENT**

Pursuant to section 284 of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, Council made the following regulations:

1. The Schedule to the *Highway Traffic Act* Demerit Point System Regulations (EC1216/80) is amended by the addition of the following after item 5.4:

5.4a	Section 89(e.2) of the Highway Traffic Act	12	Failing to comply with a condition under clause 73(1.52)(a) to operate only a motor vehicle for which a restricted number plate has been issued under that section
5.4b	Section 89(e.3) of the Highway Traffic Act	12	Failing to comply with a condition under clause 73(1.52)(b) to display a restricted number plate on the motor vehicle for which the restricted number plate has been issued under that section
5.4c	Section 89(e.4) of the Highway Traffic Act	12	Operates a motor vehicle having consumed alcohol in such a quantity that the concentration in the person's blood exceeds zero milligrams of alcohol in 100 millilitres of blood, in contravention of clause 73(1.52)(c)

2. These regulations come into force on November 1, 2014.

EXPLANATORY NOTES

SECTION 1 amends item 5.4 of the Demerit Point System Regulations to specify the demerit points attached to a conviction for a contravention of clauses 89(e.2), (e.3) and (e.4) of the *Highway Traffic Act*.

SECTION 2 provides for the commencement of these regulations.

EC2014-615

**PUBLIC DEPARTMENTS ACT
ACTING MINISTERS
APPOINTMENTS**

Under authority of subsection 4(2) of the *Public Departments Act*, R.S.P.E.I. 1988, Cap. P-29 the following appointments were made:

1. Honourable George Webster to be Acting Premier and Acting President of the Executive Council commencing on the 24th day of October 2014, and continuing for the duration of the absence from the Province of Honourable Robert Ghiz.
2. Honourable Robert Vessey to be Acting Minister of Innovation and Advanced Learning commencing on the 24th day of October 2014, and continuing for the duration of the absence from the Province of Honourable Allen Roach.

EC2014-616

**PUBLIC HEALTH ACT
FOOD PREMISES REGULATIONS**

Pursuant to section 72 of the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30.1, Council made the following regulations:

- 1. (1)** In these regulations
- | | |
|---|------------------------|
| | Interpretation |
| (a) "Act" means the <i>Public Health Act</i> R.S.P.E.I. 1988, Cap. P-30.1; | Act |
| (b) "adulterated" means any food or food ingredient which has been corrupted, debased, or made impure through the addition of any foreign or inferior substance; | adulterated |
| (c) "approved" means approved by the Director; | approved |
| (d) "bed and breakfast" means a private residence occupied by the owner or operator in which overnight accommodations and breakfast food service are provided to guests for compensation; | bed and breakfast |
| (e) "contamination" means exposure of food to conditions that permit or may permit the introduction or the occurrence of any of the following: | contamination |
| (i) a disease-causing micro-organism or parasite, | |
| (ii) any biological or chemical agent, | |
| (iii) foreign matter, residue, drugs or any other substance that may compromise food safety; | |
| (f) "critical control point" means a point, step or procedure at which control can be applied and a health hazard can be prevented, eliminated, or reduced to acceptable levels; | critical control point |
| (g) "critical limit" means standards or criteria that must be met to ensure that a health hazard does not occur at a critical control point; | critical limit |
| (h) "Director" means the Director designated by the Minister under section 3; | Director |

- (i) “edible”, in respect of a food, means fit for human consumption, regardless of whether the food requires preparation before being eaten or is ready to eat; edible
- (j) “employee” means a person who employee
 (i) is employed in a food premises, or
 (ii) handles or comes in contact with any utensil or product used in the processing of food for human consumption during its preparation, service or storage;
- (k) “equipment” means any item that is used in the operation of food premises and includes but is not limited to stoves, ovens, ventilation systems, slicers, grinders, mixers, scales, cutting surfaces, tables, shelves, refrigerators, freezers, sinks, ice makers, trolleys, vending machines, dishwashing machines and lighting systems; equipment
- (l) “event” means an organized activity or temporary celebration not exceeding 10 days in duration; event
- (m) “fish” means any fish, including molluscs, crustaceans and echinoderms, and any of their parts, products or by-products; fish
- (n) “food bank” means a non-profit organization that food bank
 (i) operates with the exclusive intent of providing food to those who have difficulty purchasing enough food to avoid hunger, and
 (ii) receives, holds, packages, repackages or distributes food to be consumed off the premises;
- (o) “food contact surface” means the surface of equipment or utensils with which food normally comes into contact; food contact surface
- (p) “food safety management system” means a system designed, implemented and practised for the purpose of identifying potential hazards during critical phases of food production operations in order to control and minimize health risks associated with those hazards; food safety management system
- (q) “inspected” means inspected by the Government of Canada, the Province, any other province or territory or an official agency of any of them under whose authority food safety standards are established or enforced; inspected
- (r) “license” means a license issued by the Minister under subsection 10(3) of the Act; license
- (s) “license holder” means a person who holds a license to operate a food premises and, for the purposes of these regulations, includes an agent of the license holder and a person to whom that license holder has delegated responsibility for, or who appears to be in charge of, the day-to-day operation of the food premises; license holder
- (t) “low-risk food” means food that is unlikely to contain pathogenic micro-organisms or toxins or will not support the growth of pathogenic micro-organisms or the production of toxins; low-risk food
- (u) “Minister” means the Minister of Health and Wellness; Minister
- (v) “pest” means any animal or arthropod destructive to the sanitary operation of a food premises; pest
- (w) “potentially hazardous food” means food in a form or state that is capable of supporting the growth of disease-causing micro-organisms or the production of toxins; potentially hazardous food
- (x) “process” means to make food ready to eat and includes washing, rinsing, cooking, smoking, salting, canning, freezing, thawing and pasteurizing and the reprocessing of previously processed food; process
- (y) “ready-to-eat food” means a food that is ready-to-eat food
 (i) normally consumed without washing, cooking or other preparation, or
 (ii) processed into a form in which it is consumed without further processing;
- (z) “sanitize” means to reduce the number of micro-organisms to a level that does not compromise food safety by means of a chemical agent or physical method; sanitize
- (aa) “service animal” means an animal that is specifically trained or being trained as a working animal for the purpose of providing assistance to a person with a disability; service animal

- (bb) “tourism establishment” means a tourism establishment as defined in the *Tourism Industry Act*; tourism establishment
- (cc) “utensil” means any item that may come in contact with food, including kitchenware, tableware, glasses, cutlery, or other similar items used in the preparation, service, storage or consumption of food; utensil
- (dd) “wild game” means all species of animals, birds, reptiles and insects that are wild by nature. wild game
- (2) For the purposes of the Act and these regulations, potable water is water that meets or exceeds the standards respecting contaminants established in the *Guidelines for Canadian Drinking Water Quality* and supporting documents published by Health Canada as amended from time to time. Potable water
- (3) A license holder shall ensure that any water used in the food premises is tested at least annually or as ordered by the Director. Tests

Applicability and Exemptions

2. (1) These regulations apply to all food premises except for the following: Applicability and exemptions
- (a) food preparation areas in a private residence where low-risk food is prepared for sale or sold to the public as part of a non-profit activity;
 - (b) a bed and breakfast;
 - (c) a tourism establishment, other than a bed and breakfast, with no more than 10 units for rent in which breakfast consisting of low-risk food, but no other meal, is provided to overnight guests only;
 - (d) an experiential tourism operation offered by an operator certified by the Department of Tourism and Culture that provides participants with an authentic or traditional hands-on experience of the handling, preparation and consumption of food;
 - (e) food premises that offer only fresh, whole unprocessed fruit and vegetables;
 - (f) food premises that offer only food that is prepackaged at another location and is not potentially hazardous;
 - (g) a food bank;
 - (h) a catering operation that prepares food in a private residence for the consumption of the occupants and their guests;
 - (i) food premises that are registered with and inspected by the Canadian Food Inspection Agency;
 - (j) a meat plant or meat processing plant that is registered and operated under, or exempted from the requirements, of the *Meat Inspection Act* (Canada) or the *Food and Drugs Act* (Canada) or the Slaughter House Regulations;
 - (k) a part of a fish or fish products processing facility that is registered, licensed and operated under the *Fisheries Act* or the *Fish Inspection Act* and the Regulations made under those Acts;
 - (l) a part of a food processing plant that manufactures, packages, labels or stores food and
 - (i) does not provide food directly to the consumer, and
 - (ii) is inspected under the *Food and Drugs Act* (Canada);
 - (m) food premises that are operated solely for the purposes of cutting, processing or packaging of wild game;
 - (n) group homes, transition houses, boarding houses and men’s and women’s shelters;
 - (o) a business that provides individually portioned samples of a particular food at no charge for the purpose of promoting the sale of that food;
 - (p) food premises owned, operated or leased by religious organizations, service clubs and non-profit organizations where low-risk food is prepared or served by volunteers for functions or gatherings of the religious organization, service club or not-for-profit organization.
- (2) The classes of food premises that are required to be licensed under these regulations are those set out in Appendix 3 of the Schedule to these regulations. Classes of food premises
3. The Minister may designate an environmental health officer appointed under section 6 of the Act as Director for the purposes of these regulations. Designation of Director

4. (1) Subject to subsection (2), the Director may, on application, exempt a license holder from one or more of the following provisions of these regulations: Exemption by Director

- (a) section 5;
- (b) sections 9 to 19.

(2) The Director shall not grant an exemption, and may at any time revoke an exemption previously granted under subsection (1), if, in the opinion of the Director, the exemption creates or is likely to create a health hazard. Condition

Licensing Requirements

5. (1) The Minister shall not issue or renew a license for the operation of a food premises unless an application in respect of the license is received by the Minister, in the form required by the Minister, containing, Application

- (a) in respect of a new license, a written description and plan of the site, building and equipment and information respecting the food to be served in the food premises and the cleaning protocols to be implemented by the applicant; and
- (b) in respect of a renewal of a license, information respecting any changes to the information provided for the issuance of the existing license that have not been reported to the Minister pursuant to subsection (6).

(2) In addition to the requirements of subsection (1), an applicant for a license or a renewal of a license shall Additional requirements

- (a) provide any reasonable information required by the Minister;
- (b) on and after April 1, 2016, provide proof that the applicant has completed a food hygiene training program in accordance with section 24;
- (c) comply with the applicable requirements of the Act and these regulations and pay the licensing fee set out in Appendix 3; and
- (d) if the applicant is applying for a license for a mobile unit, identify the vehicle that shall be used.

(3) A license shall be issued by the Minister in the form established by the Minister. Form of license

(4) A license issued by the Minister under this section, other than a license specified in Appendix 3 of the Schedule to the regulations as a Class 3 Type A license, expires on March 31. Expiry

(5) A Class 3 Type A license is valid only for the period specified on the license. *Idem*

(6) A license holder shall report any change to the information provided by the license holder for the license or renewal of the license that occurs within the term of the license to the Minister as soon as practicable. Reporting of changes

(7) A food premises license is not transferable to any other person or to any other food premises. License not transferable

(8) A license holder shall display the license in a location in the food premises where it can easily be seen by the public. License to be displayed

(9) The Minister may revoke a license containing information that has changed as referred to in subsection (6) and may, on payment of the required fee set out in Appendix 3 of the Schedule to these regulations, issue a new license to the license holder based on the new information provided. Issue of new license

(10) Subject to subsection (11), the fee for a license or the renewal or reinstatement of a suspended license is the fee set out in Appendix 3 of the Schedule to these regulations. Fee

(11) When an applicant applies for a license for a new food premises between January 1 and March 31 the fee shall be one half of the annual fee set out in Appendix 3 of the Schedule to these regulations. Prorating fees

6. (1) Where the Minister imposes terms and conditions on a license in accordance with subsection 11(2) of the Act, the Minister shall notify the license holder in writing respecting the terms and conditions. Terms and conditions

(2) The terms and conditions referred to in subsection (1) may be, but are not limited to, limitations or conditions respecting food preparation, handling and storage practices that the license holder is

- (a) required to adopt; or
- (b) prohibited from using.

Idem

7. (1) The Minister may refuse to issue or renew or, subject to subsection (2), may suspend a food premises license for a term of up to 30 days where

Reasons for refusal or suspension

- (a) the food premises, its equipment or its operation do not meet the requirements of the Act or these regulations;
- (b) the license holder fails to comply with the provisions of the Act or these regulations;
- (c) the Minister has reason to believe that the public will be endangered if the food premises is allowed to continue operating; or
- (d) the license holder has failed or is unable to take immediate corrective measures, as referred to in clause (2)(b), to remedy a contravention or failure to meet the requirements of the Act or these regulations.

(2) The Minister shall not suspend a license under subsection (1) unless

Requirements for suspension

- (a) a public health official has, at the time of inspection, notified the license holder of the failure to comply with the relevant provision of the Act and these regulations;
- (b) a public health official has provided the license holder with a copy of an inspection report prepared by the public health official that sets out the failure to comply with the relevant provision of the Act and these regulations, the required corrective measures and the dates by which these measures shall be implemented in order to avoid suspension; and
- (c) a notice of suspension of license is delivered to the license holder.

(3) A public health official may post a copy of the notice of suspension in a conspicuous place in the food premises.

Posting notice of suspension

(4) A suspension of a license under subsection (1) shall remain in effect

Term of suspension

- (a) until the required corrective measures have been taken by the license holder and have been verified by a public health official; or
- (b) throughout the period referred to in subsection (1) or a longer period imposed by the Minister under subsection (6).

(5) A license holder whose license has been suspended shall pay the license fee set out in Appendix 3 of the Schedule to these regulations prior to reinstatement of the license.

License fee

(6) If it is not possible for the license holder to implement the required corrective measures within the period referred to in subsection (1), the Minister may on request impose a longer period of time that the Minister considers adequate to implement those measures if, in the opinion of the Minister, the longer period does not create a significant risk to human health.

Extension of time

(7) A license holder who receives a notice of suspension of the holder's license shall

Notice of suspension, consequences

- (a) immediately cease operation of the food premises;
- (b) not commence operations again until authorized by a public health official to do so; and
- (c) not remove any notice that has been posted unless authorized by a public health official to do so.

Appeal

8. (1) A person who is aggrieved by a decision of the Director under section 4, a decision of the Minister under subsection 7(1) or (6) or the imposition of terms and conditions on his or her license under subsection 11(2) of the Act may appeal the decision or imposition to the Supreme Court within 30 days after being served with notice of the decision or imposition.

Appeal

(2) On hearing an appeal, the Supreme Court may

Order

- (a) confirm, revoke or vary the terms and conditions imposed by the Minister or the decision appealed from;

- (b) refer the matter, or any issue, back to the Minister or the Director for further consideration; or
- (c) provide any direction that it considers appropriate.

(3) The Supreme Court may make any order as to the costs of an appeal that it considers appropriate. Costs

Design and Construction Requirements

9. A construction plan and specifications shall be submitted to and approved by a public health official prior to the commencement of construction or renovation of any food premises. Design,
construction

10. (1) A license holder shall ensure that the food premises shall be designed, constructed and furnished so as to ensure that the food premises is free from conditions that may Requirements –
design,
construction, etc.

- (a) be dangerous to health; or
- (b) injuriously affect the wholesomeness of the food prepared, served or stored in the food premises.

(2) A license holder shall ensure that the food premises is Idem

- (a) adequately and appropriately designed for the specific activities of the food premises to ensure the safe and sanitary handling of food;
- (b) constructed from materials that are suitable for their intended purpose, and are durable, non-toxic and are easily cleaned, sanitized and maintained;
- (c) connected to
 - (i) a supply of hot and cold potable water that meets the requirements of these regulations and is adequate in quantity and pressure to meet the needs of the food premises, and
 - (ii) a waste water system operating in compliance with the requirements of the applicable regulations or municipal bylaws;
- (d) provided with artificial lighting that is
 - (i) adequate in intensity to permit the sanitary operation and maintenance of the premises, and
 - (ii) protected in such a way as to prevent breakage and contamination of foods;
- (e) provided with ventilation equipment that is adequate to prevent the accumulation of smoke, grease and objectionable odours and to control temperature, humidity, air flow and any other condition that is likely to have a detrimental effect on food safety;
- (f) supplied with appropriate equipment to ensure the safe and sanitary handling of food;
- (g) designed and constructed to provide effective protection from and to prevent the access and sheltering of pests; and
- (h) provided with adequate storage facilities separate from
 - (i) living quarters, or
 - (ii) any area in which activities are carried out that are incompatible with the safe handling of food.

11. Every food premises shall be provided with Idem - equipment

- (a) adequately designed, appropriately located and unobstructed hand washing facilities for the exclusive use of employees, in numbers suitable for the operation, and equipped with
 - (i) hot and cold potable water under adequate pressure,
 - (ii) single use soap in a dispenser, and
 - (iii) single service disposable towels in a dispenser or an approved drying device;
- (b) utensil and equipment washing facilities that meet the requirements of Appendix 1 of the Schedule to these regulations;
- (c) adequate refrigerated space equipped with accurate thermometers located in the warmest area of the refrigerator to ensure safe storage of potentially hazardous foods at 4°C (40°F) or lower;
- (d) adequate facilities for maintaining frozen perishable foods at a temperature of -18°C (0°F) or lower;
- (e) adequate facilities for maintaining hot potentially hazardous foods at a temperature not less than 60°C (140°F) during holding periods;
- (f) adequate facilities for cooling potentially hazardous foods in accordance with Appendix 2 of the Schedule to these regulations;
- (g) adequate facilities for the collection and storage of various types of waste; and

- (h) adequate dry storage facilities to store foods not requiring refrigeration, ingredients, non-food products and chemicals.
- 12.** A license holder shall provide at least one conveniently located washroom in good working order for the use of the staff and the public. Washrooms
- 13.** (1) A license holder shall ensure that washrooms in the food premises Maintenance of washrooms
- (a) are maintained in a sanitary condition; and
 - (b) are equipped at all times with
 - (i) an adequate supply of toilet tissue,
 - (ii) an adequate supply of hot and cold potable water under pressure,
 - (iii) an adequate supply of soap in a suitable container or dispenser,
 - (iv) single service disposable towels in a suitable dispenser or an approved drying device,
 - (v) a suitable receptacle for used towels and waste material, and
 - (vi) mechanical ventilation to the outside; and
 - (c) do not open directly into any room where foods are prepared or stored.
- (2) A license holder shall ensure that washrooms in the food premises that open into an area where food is served are fitted with full-length self-closing doors. Self-closing doors
- 14.** (1) A license holder shall develop, maintain and follow written procedures respecting maintenance, cleaning and sanitation to ensure the safe and sanitary operation of the food premises. Maintenance and sanitization
- (2) The written procedures required by subsection (1) shall include Contents of written procedures
- (a) the cleaning and sanitizing requirements for the food premises and for all equipment and utensils used in the food premises;
 - (b) the identification of cleaning and sanitizing agents used in the food premises, including their uses, concentrations and storage requirements; and
 - (c) the identification of all pesticides used in the food premises, including their uses, concentrations and storage requirements.
- (3) The license holder of a food premises shall provide appropriate facilities and equipment to implement the written procedures referred to in subsection (1). Facilities, etc.
- 15.** (1) A license holder shall ensure that the food premises and equipment are maintained in a sanitary condition. Maintenance
- (2) A license holder shall ensure that the food premises are cleaned adequately and at appropriate times in order to prevent the contamination of food prepared, served, stored or displayed in the food premises. Cleaning schedule
- 16.** (1) A license holder shall ensure that any utensil or equipment used in the processing, service, storage or display of food is Equipment requirements
- (a) of a design that
 - (i) is appropriate to its purpose, and
 - (ii) allows for adequate cleaning, sanitizing and maintenance; and
 - (b) kept in good repair.
- (2) Equipment that is not mobile shall be either sealed into the surface on which it stands or be mounted on legs, with a minimum clearance of 15 centimeters (6 inches) between the floor and the base of the equipment. Stationary equipment
- 17.** (1) Subject to subsection (2), a license holder shall ensure that the utensils, equipment and food contact surfaces used in the food premises are cleaned and sanitized in a manner that removes contamination in accordance with the requirements of Appendix 1 of the Schedule to these regulations. Cleaning and sanitizing
- (2) Utensils or containers that are designed for single service use shall not be used more than once. Single use items
- 18.** (1) Where chemical sanitizing is employed in a food premises, the operator shall ensure that suitable testing equipment is available and shall perform tests often enough to ensure that the chemical is present in the correct amount in accordance with Appendix 1 of the Schedule to these regulations. Sanitation program

(2) Where hot water sanitizing is employed in a food premises, the operator shall ensure the appropriate temperatures are obtained and maintained for the correct amount of time in accordance with Appendix 1 of the Schedule to these regulations. Appropriate temperatures

(3) A license holder shall establish and maintain a record of the results obtained in the procedures required under subsections (1) and (2). Records

(4) A license holder shall retain a record referred to in subsection (3) for a period of 12 months and shall produce it for inspection by a public health official on request. *Idem*

19. (1) No person shall Prohibitions

- (a) use any room where food is processed, served or stored for sleeping;
- (b) place any clothing, footwear or other personal items in any room in which food is processed, served or stored, unless in a closed cupboard or locker or otherwise separated from food processing operations;
- (c) permit equipment or materials that are not required for the operation of the food premises to be stored on the premises;
- (d) permit any live bird, animal or fowl in any room in which food is stored, processed or served, except edible fish, crustaceans, shellfish or live fish in an aquarium.

(2) No person shall permit a service animal in an area of the food premises in which food is processed or stored. Service animal

Staff Hygiene Requirements

20. (1) A license holder shall ensure that any person engaging in the operation of the food premises who comes in contact with food or food contact surfaces or enters a food preparation area shall Personal hygiene

- (a) be clean;
- (b) wear a restraint such as a hat, hair covering or net, and a beard restraint if appropriate;
- (c) wear a clean uniform, coat and apron, and footwear;
- (d) be free from communicable disease in a communicable form;
- (e) be free from any abrasion or other skin condition that may contaminate food;
- (f) refrain from any behaviour or practice that risks contaminating food;
- (g) wash the person's hands as often as necessary to prevent the contamination of food or equipment; and
- (h) remove any object from the person's body or clothing that might fall into or otherwise contaminate food.

(2) Clause (1)(b) does not apply to employees such as hostesses and wait staff. Exception

(3) A license holder shall ensure that no unauthorized persons are allowed in food processing areas of the food premises. *Idem*, unauthorised persons

21. A license holder shall not permit any person who appears to be suffering from, or be the carrier of, a disease communicable through food to come into contact with any food, equipment, utensils or food contact surfaces on the food premises. Persons suffering from disease

22. Where a license holder knows or has reason to suspect that an employee is suffering from a communicable disease communicable through food, the license holder shall immediately notify the Chief Public Health Officer. Requirement to notify Chief Public Health Officer

23. An employee of a food premises who handles food or comes into contact with food contact surfaces and who has been diagnosed with or believes he or she is a carrier of a disease transmitted through food shall notify the license holder as soon as practicable. Requirement to notify

24. (1) A license holder shall successfully complete a food hygiene training program recognized by the Director. Food hygiene training

(2) A license holder shall ensure that, while the license holder is absent from the food premises, at least one employee present in the food premises when food is being processed has successfully completed a food hygiene training program recognized by the Director. *Idem*, employee

(3) Any person in a food premises who comes in contact with food or food contact surfaces shall be trained or instructed in food hygiene to a level appropriate to the activity that the person performs and shall provide confirmation of the training or demonstrate the level of safe food hygiene knowledge necessary to carry out the person's activities to a public health official on request. *Idem*

(4) A license holder and a person referred to in subsection (2) shall complete an additional food hygiene training program at least once in each 5-year period following their initial fulfilment of the requirements of this section. *Continuing training requirements*

(5) The certificate or other proof that a license holder and a person referred to in subsection (2) have completed the required food hygiene training program shall be posted in a location in the food premises where it can easily be checked by a public health official. *Posting of certificate*

Food Processing Requirements

25. (1) Subject to subsections (2) and (3), a license holder shall ensure that all food used in a food premises *Food sources*

- (a) has been inspected; or
- (b) is exempted by these regulations from the requirements of clause (a).

(2) Ice used in the preparation of food shall be made from a supply of potable water and the making, storage and dispensing of the ice shall be carried out in such a manner as to prevent health hazards. *Ice*

(3) A license holder shall ensure that food is processed in a manner that makes it safe to eat. *Control of food hazards*

(4) Notwithstanding subsection (3), a license holder shall ensure that a customer who orders a ready-to-eat food of animal origin in a raw or partially cooked state or without otherwise being processed to eliminate pathogens is informed as to the increased health risk this presents and that the food is not cooked sufficiently to ensure its safety. *Condition, raw or undercooked food*

(5) Subsection (4) does not apply to seafood that is intended to be eaten raw, including raw-marinated or partially cooked seafood. *Exception*

(6) Notwithstanding subsection (3), where potentially hazardous foods are prepared with raw ingredients that are not processed sufficiently to ensure their safety, the license holder shall ensure that customers are informed as to the increased health risk this presents and that the ingredients are not processed sufficiently to ensure their safety. *Raw ingredients*

26. (1) Uninspected meats and meat products shall not be processed, served or stored in a food premises except in accordance with this section. *Prohibition*

(2) The Director may permit the processing, serving and storage of wild game in a food premises if the license holder notifies the Director respecting the processing, serving and storage of the wild game and ensures that the following conditions are met: *Processing of wildlife carcasses*

- (a) the wild game is clean and handled in a manner that will prevent contamination of other foods;
- (b) the wild game or parts of it are not processed at the same time as other meals;
- (c) all equipment is cleaned and sanitized after the wild game is processed;
- (d) the meat from the wild game is clearly identified to staff and patrons as uninspected;
- (e) the license holder records the type and source of the wild game.

(3) A license holder shall retain a record established under clause (2)(e) for 12 months and provide it to a public health official on request. *Records*

(4) The Director may, where satisfied that public health will be adequately protected by the conditions imposed under subsection (2), authorize the use of uninspected wild game for food bank or soup kitchen donations. *Wild game donations*

Temperature Requirements

27. (1) Subject to subsection (2), a license holder shall ensure that raw meat is cut up in a room in the food premises with a temperature of 10°C (50°F) or less. Processing of raw meat

(2) If the temperature of the room in the food premises in which raw meat is cut up is higher than 10°C (50°F), the license holder shall ensure that the raw meat does not remain in the room for more than 2 consecutive hours. *Idem*

28. (1) A license holder shall ensure that potentially hazardous foods are stored, displayed, cooked, cooled, frozen, thawed, reheated and held at appropriate temperatures and for the appropriate length of time specified in Appendix 2 of the Schedule to these regulations. Temperature requirements

(2) A license holder shall provide appropriate temperature measuring devices that are accurate and in good working order to ensure food temperatures are obtained as specified in Appendix 2 to these regulations. Thermometers, etc.

29. The Director may, on request by a license holder, approve the use of alternative cooking temperatures and times to those specified in Appendix 2 of the Schedule to these regulations in respect of a potentially hazardous food if Alternative requirements

(a) the Director is satisfied that cooking or reheating the potentially hazardous food to a different temperature or for a different length of time, or both, is sufficient to destroy or prevent the growth of pathogenic organisms or the production of their toxins, and to destroy parasites; and

(b) the license holder ensures that the hazardous food is cooked or reheated, as the case may be, to the temperature and for the length of time required by the Director.

Food Safety Management System

30. (1) The Director may require a license holder of a food premises where potentially hazardous food is processed to develop and implement a food safety management system to ensure health hazards are prevented, eliminated, or reduced to acceptable levels. Food safety management system

(2) The Minister may impose the requirement to develop and implement a food safety management system as a condition on a license. Condition on license

(3) The food safety management system referred to in subsections (1) and (2) shall include Requirements

- (a) a flow diagram of food processing procedures;
- (b) identification of hazards;
- (c) identification of all critical control points;
- (d) identification of critical limits for those critical control points;
- (e) the procedures and monitoring to be followed to ensure adherence to the critical limits;
- (f) the corrective actions to be taken in the event that the critical limits are not adhered to;
- (g) the records to be kept with respect to the operation of the food safety management system.

(4) A license holder shall retain the records referred to in clause (3)(g) at the food premises for 12 months and shall provide them for inspection on request by a public health official. Records

31. (1) The Chief Public Health Officer may require a license holder to establish a written recall plan for the purposes of section 26 of the Act that shall include procedures for the timely recall of all contaminated or adulterated foods distributed by the license holder. Recall plan

(2) Food returned to a food premises as part of a recall shall be held and disposed of in accordance with the Act. Disposition

32. (1) A license holder shall ensure that a potentially hazardous food that is served or sold to a purchaser and is returned or not consumed by the purchaser shall not be served again or resold. Prohibition

- (2) A license holder may resell or serve a food again if the food Exception
- (a) is not potentially hazardous;
 - (b) is individually packaged; and
 - (c) is unopened and in its original container.

- 33.** (1) The Director may require a license holder to implement sampling and testing procedures to demonstrate
- Sampling
- (a) that food is not contaminated; or
 - (b) that an established procedure does not result in the adulteration of food.
- (2) At the request of a public health official, a license holder shall provide, at no charge, samples of food, food ingredients and other materials used in the processing, preparation or packaging of foods for the purposes of laboratory examination.
- Samples to be provided
- 34.** (1) Where a public health official seizes or detains a food or other thing in accordance with the Act on the grounds that the food or other thing is injurious to health as a result of adulteration or contamination, the public health official shall affix to the food or other thing a detention tag on which the following is clearly marked:
- Seizing or detaining foods, etc.
- (a) the words "UNDER DETENTION" in letters of at least 24-point font;
 - (b) an identification number;
 - (c) a description of the food or other thing;
 - (d) the reason for the seizure or detention;
 - (e) the date of the seizure or detention;
 - (f) the name of the public health official, in block letters, and the signature of the public health official.
- (2) A public health official shall, after seizing or detaining a food or other thing in accordance with subsection (1), forthwith deliver or mail a notice of detention
- Notice to license holder
- (a) to the license holder of the food premises where it was detained; and
 - (b) to the owner of the food or other thing that was seized or detained, if the owner is not the license holder.
- (3) A notice of detention referred to in subsection (2) shall state that the food or other thing was seized or detained pursuant to the Act and these regulations and shall set out
- Contents of notice
- (a) the detention tag identification number;
 - (b) a description of the food or other thing;
 - (c) the reason for the seizure or detention;
 - (d) the date of the seizure or detention;
 - (e) the name of the public health official, in block letters, and the signature of the public health official;
 - (f) the place of detention; and
 - (g) the telephone number to call for further information in respect of the seizure or detention.
- (4) No person shall alter, deface or remove a detention tag attached to a food or other thing unless the person is authorized to do so by a public health official.
- Prohibition
- (5) A food that is seized or detained by a public health official shall not be handled or used without the permission of a public health official.
- Idem*
- (6) A food or other thing seized or detained under this section shall be detained at the expense of the license holder, or the owner, if the license holder is not the owner, under storage conditions appropriate to the preservation of the food or other thing.
- Preservation of detained item
- (7) If a public health official releases a food or other thing after determining that it is not injurious to health, the public health official shall deliver or mail one copy of a notice of release to each of the persons to whom a copy of a notice of detention referred to in subsection (2) was delivered or mailed.
- Notice of release
- (8) A food that is not released by a public health official as referred to in subsection (7) shall be disposed of in accordance with the Act.
- Food not released
- 35** A license holder shall ensure that refrigerated, prepared ready-to-eat food is clearly marked at the time it is prepared to indicate the date by which the food shall, for reasons of safety, be consumed.
- Safety information
- 36.** (1) A license holder shall ensure that all food is received, stored and transported under conditions that protect the food from adulteration, contamination and temperature fluctuations and other conditions that would render the food unfit for human consumption.
- Storage and transportation

- (2) A license holder shall ensure that a conveyance or container that is used to transport or store food is designed, constructed and maintained so that Containers
- (a) it protects food from adulteration and contamination;
 - (b) it allows adequate cleaning and sanitization; and
 - (c) it can adequately maintain temperatures and other conditions necessary to protect food from contamination as a result of harmful microbiological growth.
- 37.** (1) A license holder shall ensure that food ingredients and food packaging materials are protected from contamination by being stored in a dry storage room or a designated area that provides an environment that is dry and free from pests and in which moisture is controlled. Storage
- (2) A license holder shall ensure that, before being placed in a dry storage room or designated area referred to in subsection (1), opened packages of food ingredients and food packaging materials are Idem, opened packages
- (a) transferred to clean containers that are suitably covered, sealed or securely closed; and
 - (b) clearly identified as to content.
- 38.** Food premises shall be inspected annually and at additional times as established or ordered by the Director. Inspections, frequency
- 39.** The Schedule to these regulations is hereby adopted and forms part of these regulations. Adoption, re Schedule
- 40.** The Food Premises Regulations (EC16/79) are revoked. Revocation
- 41.** (1) Subject to subsection (2), these regulations come into force on November 1, 2014. Commencement
- (2) Section 24 comes into force on April 1, 2016. Idem

SCHEDULE

Appendix 1

Cleaning and Sanitizing

- 1.** (1) A license holder shall ensure that the cleaning processes for all equipment and food contact surfaces in the food premises effectively remove food residues and gross foreign materials from the equipment and food contact surfaces by
- (a) removing gross foreign materials from food contact surfaces prior to washing;
 - (b) applying a detergent solution at the manufacturer's recommended concentration to loosen soil and bacterial film and hold them in solution and suspension;
 - (c) rinsing with water to remove loosened soil and residues of detergent; and
 - (d) sanitizing using a solution as specified in section 6, 7, 8 or 9 and air dried.
- (2) Alternative methods of cleaning equipment and food contact surfaces in a food premises may be approved by the Director on request by a license holder, based on information provided by the license holder.
- 2.** The food contact surfaces of equipment and utensils shall be sanitized by heat or chemical means.
- 3.** A license holder shall ensure that, after sanitizing, utensils, equipment and food contact surfaces are handled in a sanitary manner and, if applicable, stored in a place and manner that prevents contamination.
- 4.** Wiping cloths used on food contact surfaces
- (a) shall not be used for other cleaning purposes;
 - (b) shall be regularly cleaned; and
 - (c) when ready for use, shall be kept in a separate container of a sanitizing solution as specified in section 6, 7, 8 or 9 that is maintained at the appropriate concentration.

Mechanical Dishwashing: Chemical Sanitizing Methods

- 5.** Mechanical dishwashing machines employing chemical agents to sanitize tableware, utensils, and equipment shall apply the sanitizing solution as specified in sections 6, 7, 8 or 9.

6. A chlorine solution used as a sanitizing agent shall have a minimum temperature based on the concentration and pH of the solution as set out in Table 1.

Table 1

Allowable minimum chlorine concentrations and temperature combinations

Minimum Concentration Mg/l (ppm)	Minimum Temperature pH 8 to 10	Minimum Temperature pH 8 or less
25	49°C (120°F)	49°C (120°F)
50	38°C (100°F)	24°C (75°F)
100	13°C (55°F)	13°C (55°F)

7. An iodine solution used as a sanitizing agent must have:
- a minimum temperature of 24°C (75°F);
 - a pH of 5.0 or less, unless the manufacturer's specifications state otherwise; and
 - a concentration of between 12.5 mg/L and 25 mg/L.
8. A quaternary ammonium compound solution used as a sanitizing agent must
- have a minimum temperature of 24°C (75°F); and
 - have a concentration of 200 mg/L, or as indicated in the manufacturer's specifications.
9. Other chemical solutions may, on request by a license holder, be used as sanitizers if the Director is satisfied based on information provided by the license holder that the alternative chemical solutions are at least as effective as the solutions set out in sections 6, 7 or 8.
10. A license holder shall check the temperature and pH level of the water and the sanitizer concentration frequently to ensure the effectiveness of the sanitizing method.
11. A license holder shall keep records of sanitizer concentrations, pH levels and temperatures.

Mechanical Dishwashing: Hot Water Sanitizing Methods

12. The temperature of the wash solution in spray type ware washers that use hot water to sanitize shall not be less than
- for a stationary rack, single temperature machine, 74°C (165°F);
 - for a stationary rack, dual temperature machine, 66°C (151°F);
 - for a single tank, conveyor, dual temperature machine, 71°C (160°F); and
 - for a multi-tank, conveyor, multi-temperature machine, 66°C (151°F).
13. Mechanical dishwashing machines employing hot water as a means of sanitizing tableware, utensils and equipment shall ensure that dishware is exposed to clean rinse water for at least 10 seconds, at a temperature, measured at the manifold, of:
- 74°C (165°F) for single tank, stationary rack, single temperature machines; and
 - 82°C (179°F) for all other machines.

Manual Dishwashing of Utensils Used for Processing and Serving

14. (1) Where manual dishwashing procedures are used for cleaning and sanitizing utensils used for the processing and serving of food, the manual dishwashing equipment shall include
- at least one double sink of non-corrodible metal or other approved material of sufficient size to permit complete immersion of the utensils to be sanitized;
 - draining boards, if provided, that are constructed of non-corrodible and non-absorbent material;
 - a thermometer capable of measuring temperatures between 0°C and 100°C (32°F and 212°F); and
 - testing equipment to determine the strength of any chemical used as the sanitizing agent.
- (2) When manual dishwashing procedures are used for cleaning and sanitizing utensils used for the processing and serving of food, the utensils shall be

- (a) thoroughly scraped clean of gross foreign materials and food scraps;
- (b) washed and rinsed in the first compartment of the sink in detergent solution that is capable of removing grease and food particles, and that is maintained at a temperature of not less than 45°C (113°F);
- (c) sanitized in the second compartment of the sink by immersion, using one of the following methods:
 - (i) for at least 2 minutes in water at a temperature of at least 77°C (171°F);
 - (ii) for at least 2 minutes in a chlorine solution of 100 - 200 mg/L available chlorine at a temperature of not less than 45°C (113°F);
 - (iii) for at least 2 minutes in a solution containing a quaternary ammonium compound having a strength of 200 mg/L consistent with efficacy at a temperature of not less than 45°C (113°F);
 - (iv) for at least 2 minutes in a solution containing between 12.5 mg/L and 25 mg/L iodine at a temperature of not less than 45°C (113°F); or
 - (v) in accordance with any other method that has been scientifically proven to produce results equivalent to those achieved by use of any of the methods set out in sub-clauses (i) to (iv); and
- (d) air-dried.

Manual Dishwashing of Utensils for Consumption of Food

- 15.** (1) Where manual dishwashing procedures are used for cleaning and sanitizing utensils used for the consumption of food, the manual dishwashing equipment shall include
- (a) at least one three-compartment sink of non-corrodible metal or other approved material of sufficient size to permit complete immersion of the utensils to be sanitized;
 - (b) draining boards, if provided, that are constructed of non-corrodible and non-absorbent material;
 - (c) a thermometer capable of measuring temperatures between 0°C and 100°C (32°F and 212°F); and
 - (d) testing equipment to determine the strength of any chemical used as the sanitizing agent.
- (2) When manual dishwashing procedures are used for cleaning and sanitizing utensils used in the consumption of food, the utensils shall be
- (a) thoroughly scraped clean of gross foreign materials and food scraps;
 - (b) washed in the first compartment of the sink in detergent solution that is capable of removing grease and food particles, and that is maintained at a temperature of not less than 45°C (113°F);
 - (c) rinsed in the second compartment of the sink in clean potable water maintained at a temperature of not less than 45°C (113°F); and
 - (d) sanitized in the third compartment of the sink by immersion, using one of the following methods:
 - (i) for at least 2 minutes in water at a temperature of at least 77°C (171°F);
 - (ii) for at least 2 minutes in a chlorine solution of 100 - 200 mg/L available chlorine at a temperature of not less than 45°C (113°F);
 - (iii) for at least 2 minutes in a solution containing a quaternary ammonium compound having a strength of 200 mg/L consistent with efficacy at a temperature of not less than 45°C (113°F);
 - (iv) for at least 2 minutes in a solution containing between 12.5 mg/L and 25 mg/L iodine at a temperature of not less than 45°C (113°F); or
 - (v) in accordance with any other method that has been scientifically proven to produce results equivalent to those achieved by use of any of the methods set out in sub-clauses (i) to (iv); and
 - (e) air-dried.
- 16.** The license holder shall ensure that the solutions used for the cleaning and sanitizing methods described in sections 14 and 15 are completely changed often enough to prevent utensils from becoming soiled and to maintain the bactericidal effect of the sanitizing solution.
- 17.** The license holder shall test the temperatures of the water and sanitizer solution, and the strength of the sanitizer solution, often enough to ensure that effective sanitizing is occurring in the circumstances set out in sections 14 and 15.

Appendix 2

Temperature and Time Control

1. (1) Subject to subsections 25(5) and (6) of the regulations, the license holder shall ensure that the minimum guidelines respecting temperature in Table 2 and time and temperature in this Appendix are adhered to.

(2) An alternative time and temperature regimen may be approved by the Director on request by a license holder, if it can be demonstrated to the satisfaction of the Director, with scientific data, that the alternative time and temperature regimen results in a safe food.

(3) All temperatures referred to in this Appendix are internal food temperatures.

Frozen Foods

2. Frozen foods shall be maintained at a temperature of not higher than -18°C (0°F).

Thawing

3. (1) Potentially hazardous foods shall be thawed quickly or in a manner that will prevent the growth of pathogenic bacteria, using one of the following methods:

- (a) under refrigeration at a temperature of 4°C (40°F) or less;
- (b) completely submerged in cold running water;
- (c) as part of the cooking process, if the time spent thawing is taken into consideration in determining cooking time;
- (d) by microwaving.

(2) When thawing potentially hazardous foods using a method where the thawed portion of the food is above a temperature of 4°C (40°F), the time period spent above 4°C (40°F), including time for preparation for cooking, or the time required to cool the food to 4°C (40°F) or less, shall not exceed 4 hours.

Refrigerated Storage

4. All potentially hazardous foods, including foods that have been processed and cooled to be served cold, shall be stored at a temperature of 4°C (40°F) or less.

Cooking Foods of Animal Origin

5. (1) Uncooked foods of animal origin, and food mixtures containing uncooked foods of animal origin, shall be cooked so as to heat all parts of the food to the minimum temperatures set out in Table 2.

(2) Uncooked foods of animal origin, and food mixtures containing uncooked foods of animal origin, shall be stirred during cooking to ensure that all parts of the food are heated to the minimum temperatures set out in Table 2.

(3) Alternative combinations of cooking times and temperatures may be approved by the Director on request by a license holder if the license holder demonstrates that the alternative combinations of times and temperatures cook the food sufficiently to ensure its safety.

Table 2
Safe Internal Cooking Temperature Chart

Meat, Poultry, Eggs and Fish	Temperature (internal)
Beef, Veal and Lamb (pieces and whole cuts)	
Medium-rare	63°C (145°F)
Medium	71°C (160°F)
Well done	77°C (170°F)
Pork (for example, ham, pork loin, ribs)	
Pork (pieces and whole cuts)	71°C (160°F)
Ground meat and meat mixtures (for example, burgers, sausages, meatballs, meatloaf, casseroles and mechanically tenderized beef)	
Beef, veal, including mechanically tenderized veal, lamb and pork	71°C (160°F)
Poultry (for example, chicken, turkey)	74°C (165°F)
Poultry (for example, chicken, turkey, duck)	
Pieces	74°C (165°F)
Whole	85°C (185°F)
Egg	
Egg dishes	74°C (165°F)
Seafood	
Fish	70°C (158°F)
Shellfish (for example, shrimp, lobster, crab, scallops, clams, mussels and oysters) Since it is difficult to use a food thermometer to check the temperature of shellfish, discard any that do not open when cooked.	74°C (165°F)
Others	
Others (for example, hot dogs, stuffing, leftovers)	74°C (165°F)

Hot Holding

6. Potentially hazardous foods that have been prepared, cooked, and are to be served hot, shall be held at a temperature of at least 60°C (140°F).

Cooling after Cooking

7. Potentially hazardous foods that have been cooked and are intended to be kept under refrigerated storage prior to serving are to be cooled from 60°C (140°F) to 20°C (68°F) or less within two hours and then from 20°C (68°F) to 4°C (40°F) or less within 4 hours.

Cooling from Room Temperature

8. When potentially hazardous foods, including foods whose ingredients were canned or made from reconstituted foods, are prepared at room temperature and intended to be kept under refrigerated storage prior to serving, they shall be cooled from 20°C (68°F) to 4°C (40°F) or less within 4 hours.

Room Temperature Holding

9. Potentially hazardous foods that are intended for immediate consumption may be displayed or held for service at room temperature without the use of ice or other cooling methods for no more than 2 hours, after which they shall be discarded.

10. The foods referred to in section 9 shall be marked with the time at which they were removed from temperature control.

Reheating Potentially Hazardous Foods for Hot Holding

11. Potentially hazardous foods that have been cooked, then cooled to 4°C (40°F), and are intended to be served hot shall be reheated to 74°C (165°F) or higher in such a manner that they pass through the temperature range from 4°C to 60°C (40°F to 140°F) as quickly as possible, provided the time the food spends between 4°C and 60°C (40°F and 140°F) does not exceed 2 hours.

12. Potentially hazardous foods that have been cooked, cooled to 4°C (40°F), reheated and then recooled to 4°C (40°F), and are intended to be served hot, shall be reheated to 74°C (165°F) or higher with the total time spent between 4°C and 74°C (40°F and 165°F) not to exceed 2 hours.

Reheating Potentially Hazardous Food for Immediate Service

13. Potentially hazardous foods that have been cooked, and then cooled to 4°C (40°F) once, if intended for immediate service, can be served at any temperature, provided the time the food spends between 4°C and 60°C (40°F and 140°F) does not exceed 2 hours.

14. Potentially hazardous foods that have been cooked, cooled to 4°C (40°F), reheated and then recooled to 4°C (40°F) shall be served only after being reheated to 74°C (165°F) or higher.

Use of Microwave for Cooking or Reheating

15. Potentially hazardous foods that are cooked or reheated in a microwave shall be rotated throughout or stirred midway during cooking to compensate for uneven distribution of heat, and allowed to stand covered for a minimum of 2 minutes after cooking to obtain temperature equilibrium.

Freezing for Parasite Destruction

16. Fish that is intended to be consumed raw, including raw-marinated and partially cooked fish, shall either be:

- (a) frozen by the supplier in the manner described in section 17, and obtained from the supplier in the frozen state; or
- (b) frozen within the food premises in the manner described in section 17.

17. The fish referred to in section 16 shall be frozen either

- (a) to a temperature of -20°C (-4°F) or below for 7 days; or
- (b) to a temperature of -35°C (-31°F) or below for 15 hours in a blast freezer.

Appendix 3
Food Premises License Classification System

Class	Sub-Class	Description	Type of Food Premise	Fee
1	A	- Food premises where: • Food is primarily consumed on the premises; • More than 25 seats are available for patrons. OR - Food premises operating primarily as a supermarket, caterer or retail bakery.	Restaurant Licensed Premise Dining Room Supermarket Caterer Retail Bakery	\$150
	B	- Food Premises where: • Food is primarily consumed on the premises; • 1 – 25 seats are available for patrons.	Restaurant Café Recreational Facility Canteen or other similar food premises where food is primarily consumed on the property/premises	\$75
2		- Food premises where: • Food is primarily consumed off the premises.	Take-Out or other similar food premises where food is primarily consumed off the property/premises Canteen Grocery Store Public Market Organizer Home Food Production Mobile Unit Retail Meat Outlet Brewery, Winery or Distillery Food Vendor	\$55
3	A	- A food vendor who provides food service at one temporary event per year.	Event Organizer	\$37.50
	B	- A food vendor who provides food service at more than one temporary event per year. OR - The organizer of a temporary event where food service is available to the public.	Food Vendor	\$55
4		- A community organization where: • Food is processed, prepared, packaged, handled, stored or offered for sale or sold; OR , - An institution where: • Food is served primarily for consumption by clients of that institution; • The food service is primarily non-commercial.	Banquet Facility/Church Hall School Cafeteria or Canteen (non-profit) Hospital	\$0

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations.

SECTION 2 exempts specified premises that would otherwise meet the definition of “food premises” from the operation of the regulations.

SECTION 3 authorizes the Minister to designate an environmental health officer as Director for the purposes of the regulations.

SECTION 4 authorizes the Director to exempt a license holder from specified provisions of the regulations if, in the opinion of the Director, the exemption does not create, or is not likely to create, a health hazard.

SECTION 5 establishes the process and the rules for an application to the Minister for a license to operate a food premises.

SECTION 6 requires the Minister, when imposing terms and conditions on a license in accordance with subsection 11(2) of the Act, to notify the license holder in writing about the terms and conditions.

SECTION 7 authorizes the Minister to refuse to issue or renew or to suspend a license for a term of up to 30 days for the reasons set out in subsection (1). Subsection (2) requires that, prior to a suspension, the license holder must be notified by a public health official respecting the reasons for the suspension, the corrective measures required and the deadline for implementing those corrective measures. The section also establishes the rules for reinstatement of a suspended license.

SECTION 8 provides for an appeal by a person aggrieved by a specified decision of the Director or the Minister to the Supreme Court within 30 days of being served with the decision, and authorizes the court to confirm, revoke or vary the decision or the terms and conditions appealed from, to refer the matter back to the Director or the Minister for further consideration or to provide any direction the court considers appropriate.

SECTION 9 requires that constructions plans and specifications must be submitted to and approved by a public health official prior to the commencement of renovations of a food premises.

SECTION 10 provides that it is the responsibility of a license holder to ensure that the food premises are designed, constructed and furnished so as to be free from conditions that may be dangerous to health in themselves or result in food that is injurious to health. Subsection (2) establishes some basic design, construction and equipment requirements.

SECTION 11 establishes further requirements respecting equipment in a food premises.

SECTION 12 requires a license holder to provide at least one washroom in good working order for the use of staff and the public.

SECTION 13 establishes design and maintenance requirements for washrooms in a food premises.

SECTION 14 requires a license holder to develop, maintain and follow written procedures respecting maintenance, cleaning and sanitation in the food premises.

SECTION 15 establishes that it is the responsibility of the license holder to ensure that the food premises and its equipment are maintained in a clean and sanitary condition.

SECTION 16 establishes general design, cleaning and maintenance requirements for utensils and equipment used in a food premises for the processing of food.

SECTION 17 specifies that the cleaning and sanitation of utensils, equipment and food contact surfaces in the food premises must be carried out in accordance with the requirements set out in Appendix 1 of the schedule to the regulations, and that utensils or containers for single service use shall not be used more than once.

SECTION 18 establishes general requirements respecting chemical and hot water sanitizing methods to be used in a food premises and requires the license holder to establish and maintain a record of the results of sanitizing operations in the food premises.

SECTION 19 prohibits certain activities, such as sleeping, storing extraneous equipment or materials or permitting live animals in a room where food is processed, served or stored. Edible fish, crustaceans, shellfish and fish in aquariums are exempted. Service animals are permitted in areas where food is served, but not where it is processed or stored.

SECTION 20 establishes rules respecting staff hygiene and requires the license holder to ensure that the rules are adhered to. The section also establishes that unauthorized persons are not permitted in areas of the food premises where food is processed.

SECTION 21 prohibits a license holder from permitting any person who appears to be suffering from or a carrier of a disease communicable through food to come in contact with food, equipment, utensils or food contact surfaces in the food premises.

SECTION 22 requires a license holder who knows or has reason to suspect that an employee is suffering from a communicable disease in a communicable form to immediately notify the Chief Public Health Officer.

SECTION 23 requires an employee who handles food to notify the license holder as soon as practicable if the employee has been diagnosed with, or believes that he or she may be a carrier of, a disease transmitted through food.

SECTION 24 requires a license holder, and any employee who is in charge of the food premise during the license holder's absence, to have successfully completed at least one food hygiene course recognized by the Director in each five-year period. The section also requires persons in the food premises who come in contact with food or food contact surfaces to be appropriately trained or instructed in food hygiene.

SECTION 25 requires a license holder to use only inspected food in the food premises, subject to the exceptions set out in the regulations. The section also requires a license holder to ensure that food is processed in a manner that makes it safe to eat or, where a customer orders a food of animal origin in a raw or partially cooked state, or made with ingredients that are raw or insufficiently processed to ensure safety, to warn the customer that this presents an increased health risk.

SECTION 26 establishes the rules that must be observed by a license holder in processing, serving or storing unprocessed meat and meat products in a food premises and serving it at a wild game dinner.

SECTION 27 establishes specific temperature and time requirements for the cutting up of raw meat in a food premises.

SECTION 28 requires a license holder to ensure that potentially hazardous foods are stored, displayed, cooked, cooled, frozen, thawed, reheated and held at appropriate temperatures as specified in Appendix 2 of the Schedule to the regulations.

SECTION 29 authorizes the Director, on request by a license holder, to approve the use of an alternative cooking temperature and time for a potentially hazardous food if the Director is satisfied that the alternative method is sufficient to destroy or prevent the growth of pathogenic organisms or the production of their toxins and to destroy parasites.

SECTION 30 authorizes the Director to require a license holder of a food premises where potentially hazardous food is processed to develop and implement a food safety management system to ensure health hazards are prevented, eliminated or reduced to acceptable levels. The section also authorizes the Minister to impose the requirement to develop and implement a food safety management system on a license holder's license, and sets out the requirements for the food safety management system.

SECTION 31 authorizes the Chief Public Health Officer to require a license holder to establish a written recall plan for the purposes of section 26 of the Act that includes procedures for the timely recall of contaminated or adulterated foods distributed by the license holder.

SECTION 32 requires a license holder to ensure that a potentially hazardous food that is served or sold to a customer and returned or not consumed is not served or sold again. A food that is not potentially hazardous may be served or sold again if it is individually packaged and is unopened and in its original container.

SECTION 33 authorizes the Director to require a license holder to implement sampling and testing to demonstrate that food processing procedures being used by the license holder do not result in food that is contaminated or adulterated. Samples are to be provided to a public health official at no charge for laboratory examination.

SECTION 34 establishes the procedures to be followed when a public health official seizes or detains a food in accordance with the Act on the grounds that the food is injurious to health as a result of contamination or adulteration.

SECTION 35 requires a license holder to ensure, subject to section 26, that all food in the food premises is identified as being from a source that is subject to inspection, and to provide adequate food safety information to enable a purchaser to handle, store, process, prepare or display the food safely. It also requires the license holder to include on refrigerated ready-to-eat food the date by which the food should be consumed.

SECTION 36 requires a license holder to ensure that food is received, stored and transported under conditions that protect the food from adulteration, contamination, temperature fluctuations and other conditions that permit microbial growth.

SECTION 37 requires a license holder to ensure that food ingredients and food packaging materials are protected from contamination during storage.

SECTION 38 provides that food premise shall be inspected annually and at additional times as established by the Director.

SECTION 39 adopts the Schedule to the regulations and provides that it forms part of the regulations.

SECTION 40 revokes the Food Premises Regulations (EC16/79).

SECTION 41 provides for the commencement of the regulations.