

The Food Safety Regulations

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Chapter P-37.1 Reg 12 (effective May 7, 2009).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER P-37.1 REG 12
The Public Health Act, 1994

PART I
Title and Interpretation

Title

1 These regulations may be cited as *The Food Safety Regulations*.

Interpretation

2(1) In these regulations:

- (a) **“Act”** means *The Public Health Act, 1994*;
- (b) **“food bank”** means a non-profit organization that:
 - (i) operates exclusively to provide food to persons in need;
 - (ii) provides food for consumption by such persons off the organization’s premises; and
 - (iii) does not process food;
- (c) **“food facility”** means a public eating establishment or a processing facility;
- (d) **“food vending machine”** means any self-service device that on insertion of a coin, coins or tokens automatically dispenses unit servings of:
 - (i) pre-packaged food or drink; or
 - (ii) hot beverages;
- (e) **“ministry”** means the ministry over which the minister presides;
- (f) **“operator”** includes owner;
- (g) **“pest”** means:
 - (i) a cockroach, fly or other insect;
 - (ii) a rodent or other vermin; or
 - (iii) any other form of animal life that has a deleterious effect on the sanitary operation or maintenance of a food facility;
- (h) **“potentially hazardous food”** means food with a pH level or a water activity level, or a combination of pH level and water activity level, that will support the growth of pathogenic micro-organisms or the production of toxins;
- (i) **“pre-packaged food”** means food that was already packaged when the person who is selling the food obtained it and is sold in that state;

(j) “**processing facility**” means an establishment or part of an establishment in which food or water intended for consumption by the public is prepared, processed, packaged or sold in a form not intended for immediate consumption, but does not include:

(i) a slaughterhouse to which the “Sanitation Regulations”, being Saskatchewan Regulations 420/64, apply;

(ii) a registered establishment as defined in the *Meat Inspection Act* (Canada);

(iii) a domestic abattoir as defined in the Regulations governing the Inspection of Meat under provisions of Section 4, Chapter 25, of the Statutes of Saskatchewan, 1966, being Saskatchewan Regulations 911/68 and commonly known as the Domestic Abattoir Regulations, with respect to which there is a valid certificate of inspection issued pursuant to those regulations;

(iv) a milk plant that is licensed pursuant to *The Milk Pasteurization Regulations*;

(v) an establishment that is registered pursuant to the *Canada Agricultural Products Act*;

(vi) an establishment that irradiates food;

(vii) an establishment that processes food intended for interprovincial or international trade;

(viii) an establishment that produces food additives, vitamins, minerals, natural health products or other substances that are regulated pursuant to the *Food and Drugs Act* (Canada);

(ix) a retail or wholesale establishment that does not prepare or process food for sale;

(x) a water supply that is regulated pursuant to *The Health Hazard Regulations* or regulations made pursuant to *The Environmental Management and Protection Act, 2002*;

(xi) a water vending machine that uses water from a supply regulated pursuant to *The Health Hazard Regulations* or regulations made pursuant to *The Environmental Management and Protection Act, 2002*;
or

(xii) an alcohol production facility;

(k) “**sell**” includes offer for use or sale;

(l) “**water**” means:

(i) water dispensed or intended to be dispensed by a public eating establishment;

(ii) bottled water; or

(iii) water used as an ingredient or otherwise in the preparation or processing of food or drink;

and includes ice.

(2) In applying these regulations to a food facility or a proposed food facility, a reference to “the local authority” is a reference to the local authority of the jurisdictional area in which the food facility is, or is to be, located.

15 May 2009 cP-37.1 Reg 12 s2.

PART II

Approval and Licensing of Public Eating Establishments

Interpretation of Part

3 In this Part, “**licence**” means a licence required pursuant to section 5.

15 May 2009 cP-37.1 Reg 12 s3.

Construction, alteration, etc. - approval required

4(1) No person shall construct, extend, renovate or alter a public eating establishment unless the person has received approval from the local authority to do so.

(2) Subsection (1) does not apply to:

- (a) routine maintenance; or
- (b) construction, extension, renovation or alteration that does not affect the quantity or type of food or drink being prepared or the manner in which food or drink is prepared.

15 May 2009 cP-37.1 Reg 12 s4.

Licence required

5(1) Subject to subsection (2), no person shall operate a public eating establishment unless the person holds a valid licence for the public eating establishment.

(2) Subsection (1) does not apply to:

- (a) a personal care home that is licensed pursuant to *The Personal Care Homes Act* with an authorized capacity of 20 or fewer residents;
- (b) a special-care home, as defined in *The Housing and Special-care Homes Act* and designated as a facility pursuant to *The Regional Health Services Act*, that provides for the care and accommodation of 20 or fewer residents;
- (c) a residential-service facility that is licensed pursuant to *The Residential Services Act* that provides for the care and accommodation of 20 or fewer residents;
- (d) an approved private-service home for which a certificate of approval is issued pursuant to *The Residential Services Act* with a rated bed capacity of 20 or fewer residents;
- (e) an approved home as defined in *The Mental Health Services Act*;
- (f) a child care centre or a group family child care home that is licensed pursuant to *The Child Care Act*;

- (g) a food vending machine;
 - (h) a food bank; or
 - (i) a public eating establishment that is exempted in writing by a local authority pursuant to subsection (3).
- (3) A local authority may exempt a public eating establishment or class of public eating establishments from the application of subsection (1) if the local authority is of the opinion that:
- (a) licensing of the public eating establishment or class of public eating establishments is not necessary because of:
 - (i) the limited quantities of food or drink being prepared, served or sold;
 - (ii) the types of food or drink being prepared, served or sold; or
 - (iii) the manner in which food or drink is being prepared, served or sold;
 or
 - (b) it is in the public interest to do so.
- (4) An exemption granted pursuant to subsection (3) must be in writing.

15 May 2009 cP-37.1 Reg 12 s5.

Application for licence

- 6(1) An applicant for a licence must:
- (a) submit an application to the local authority; and
 - (b) provide any information or material relevant to the application that is requested by the local authority.
- (2) A local authority, after receiving and reviewing an application and any other information or material requested by the local authority or that the local authority considers relevant, must:
- (a) issue or renew the licence; or
 - (b) refuse to issue or renew the licence if, in the opinion of the local authority:
 - (i) the application is incomplete or contains false or misleading information;
 - (ii) the public eating establishment is being operated in a manner that is contrary to these regulations; or
 - (iii) it is in the public interest to do so.
- (3) A local authority must notify an applicant in writing of its decision made pursuant to subsection (2).
- (4) A local authority may impose any terms and conditions on a licence that the local authority considers appropriate.

15 May 2009 cP-37.1 Reg 12 s6.

Compliance with licence

7 No person to whom a licence is issued shall fail to comply with any term or condition contained in the licence.

15 May 2009 cP-37.1 Reg 12 s7.

Period of validity

8 Subject to section 11, a licence is valid for:

- (a) a period of two years from the date of issue; or
- (b) any lesser period set out on the licence.

15 May 2009 cP-37.1 Reg 12 s8.

Licence not transferable

9 A licence is not transferable.

15 May 2009 cP-37.1 Reg 12 s9.

Licence to be displayed

10 The operator of a public eating establishment shall ensure that a valid licence for the public eating establishment is displayed in a conspicuous place in the public eating establishment where it may easily be seen by persons served.

15 May 2009 cP-37.1 Reg 12 s10.

Amending, suspending or cancelling licence

11 Subject to *The Public Health Appeals Regulations*, a local authority may amend, suspend or cancel a licence if, in the opinion of the local authority, the licensee:

- (a) has contravened the Act or these regulations or a term or condition of the licence; or
- (b) is operating a public eating establishment in a manner that is injurious to or may endanger the public health.

15 May 2009 cP-37.1 Reg 12 s11.

Further information or material

12(1) At any time, a local authority may require an applicant or licensee to submit to the local authority any further information or material that the local authority may reasonably require.

(2) No applicant or licensee who receives a request from a local authority pursuant to subsection (1) shall fail to comply with that request within the period specified by the local authority.

15 May 2009 cP-37.1 Reg 12 s12.

PART III
Standards for Food Facilities

DIVISION 1
Physical Environment and Equipment

Buildings

13 An operator of a food facility must ensure that any building used as premises for a food facility:

- (a) is designed:
 - (i) to facilitate cleaning; and
 - (ii) to prevent the entry and harbourage of pests; and
- (b) unless otherwise exempted in writing by the local authority:
 - (i) is supplied with hot and cold water that is safe for human consumption and is available in sufficient quantities and under sufficient pressure to meet the needs of the food facility;
 - (ii) is connected to a lawful and properly operating sewage containment or disposal system;
 - (iii) is equipped with lighting that is adequate in intensity to enable the sanitary operation and maintenance of the food areas; and
 - (iv) is equipped with a properly operating means of providing ventilation to food areas that are subject to the generation or accumulation of odours, fumes, steam, vapours, smoke or excessive heat.

15 May 2009 cP-37.1 Reg 12 s13.

Access to certain areas restricted

14 An operator of a food facility must ensure that only those persons who work in the food facility have free and continuous access to the food storage, preparation and packaging areas of the food facility.

15 May 2009 cP-37.1 Reg 12 s14.

Prohibited use of food areas

15 An operator of a food facility must ensure that rooms in the food facility that are used for storing, preparing, processing or consuming food intended for sale are not used as sleeping quarters.

15 May 2009 cP-37.1 Reg 12 s15.

Items in contact with food

16 An operator of a food facility must ensure that all utensils and equipment used in the food facility, and all surfaces in the food facility that come into contact with food, are entirely made from materials that are suitable for their intended purpose, durable, easily cleanable and free from any undesirable substance.

15 May 2009 cP-37.1 Reg 12 s16.

Refrigeration, hot food storage

17 An operator of a food facility in which potentially hazardous foods are stored, prepared, processed, packaged, dispensed, sold or served must provide refrigeration units and hot food holding units in sufficient numbers and of sufficient capacity to ensure that the potentially hazardous foods are kept at the temperatures required by section 23.

15 May 2009 cP-37.1 Reg 12 s17.

Cleaning schedule

18 An operator of a food facility must:

- (a) establish a written cleaning schedule for the food facility;
- (b) ensure that the food facility is cleaned in accordance with the cleaning schedule; and
- (c) make the cleaning schedule available to the local authority on request.

15 May 2009 cP-37.1 Reg 12 s18.

DIVISION 2**Handling, Preparation, Storage and Sale of Food and Water****General duty**

19(1) Every person who prepares, stores, cooks, processes, dispenses, transports, serves or sells food or drink that is intended for consumption by the public must ensure that the food or drink is prepared, stored, cooked, processed, dispensed, transported, served or sold:

- (a) in a manner that will prevent or minimize the risk of illness, poisoning or injury to the public; and
- (b) in a sanitary manner or under sanitary conditions.

(2) Subject to *The Health Hazard Regulations, The Environmental Management and Protection Act, 2002* and the regulations made pursuant to that Act, every person who processes, dispenses, transports, serves or sells water that is intended for consumption by the public must ensure that the water is processed, dispensed, transported, served or sold:

- (a) in a manner that will prevent or minimize the risk of illness, poisoning or injury to the public; and
- (b) in a sanitary manner or under sanitary conditions.

15 May 2009 cP-37.1 Reg 12 s19.

Protection against contamination

20(1) An operator of a food facility must ensure that food and water is at all times protected against:

- (a) cross-contamination; and
 - (b) potential contamination:
 - (i) by pests;
 - (ii) resulting from contact with unclean equipment or utensils;
 - (iii) resulting from unnecessary handling;
 - (iv) resulting from flooding, drainage problems, overhead leakage or condensation; and
 - (v) by any other agent of public health significance.
- (2) Without limiting the generality of subsection (1), an operator of a food facility must ensure that detergents, disinfectants, pesticides and other poisonous materials are stored, labelled and used in a manner that does not contribute to contamination of food or water by those materials.
- (3) Without limiting the generality of subsection (1), where, in a food facility, a customer has access to food or water that is not specifically intended for him or her, the operator must ensure that the food or water is presented or made available in a manner that effectively minimizes manual contact by customers and contamination by any other means.
- (4) An operator of a food facility must ensure that a written record of all pest control measures used in the food facility is maintained.

15 May 2009 cP-37.1 Reg 12 s20.

Waste materials

21 An operator of a food facility must ensure that any filth, grease, spilled material, garbage or other waste:

- (a) is not allowed to accumulate; and
- (b) is disposed of in a manner approved by the local authority.

15 May 2009 cP-37.1 Reg 12 s21.

Food sources

22(1) Unless exempted in writing by the local authority, an operator of a food facility must ensure that foods that are intended to be sold to the public, and ingredients that will be used in the preparation or processing of foods that are intended to be sold to the public, are:

- (a) liable under law to inspection by:
 - (i) the Government of Saskatchewan or an agency of that Government;
 - (ii) the Government of Canada or an agency of that Government;
 - (iii) the governments of other provinces or territories of Canada or an agency of any of those governments; or
 - (iv) a local authority; or

- (b) obtained from sources that are subject to inspection by:
 - (i) the Government of Saskatchewan or an agency of that Government;
 - (ii) the Government of Canada or an agency of that Government;
 - (iii) the governments of other provinces or territories of Canada or an agency of any of those governments; or
 - (iv) a local authority.
- (2) An operator of a food facility must maintain an up-to-date record of the names and addresses of all sources of foods and ingredients to which subsection (1) applies, and make the record available to the local authority on request.

15 May 2009 cP-37.1 Reg 12 s22.

Potentially hazardous food

- 23(1)** An operator of a food facility must ensure that:
- (a) potentially hazardous food that is stored or displayed in the operator's food facility before it is sold for human consumption is kept at a temperature of 4°C or less or 60°C or greater; and
 - (b) an accurate thermometer is available in the operator's food facility to monitor the temperature of potentially hazardous food.
- (2) Unless exempted in writing by the local authority, a person who transports potentially hazardous food intended for sale must ensure that the food is kept at a temperature of 4°C or less or 60°C or greater.

15 May 2009 cP-37.1 Reg 12 s23.

Recall of food or water

- 24(1)** If an operator of a processing facility has reason to believe that a lot of food or water processed in the facility may be unsafe for human consumption, the operator must, as soon as possible after becoming aware of the problem:
- (a) recall the lot of food or water if it has been distributed to the public, to a food processor or to a retail or wholesale establishment; and
 - (b) notify the local authority and the Canadian Food Inspection Agency of the recall.
- (2) An operator of a processing facility must maintain a written record of the details relating to the recall, and make the record available to the local authority or the Canadian Food Inspection Agency on request.

15 May 2009 cP-37.1 Reg 12 s24.

DIVISION 3
Personnel

Training generally

- 25** An operator of a food facility must ensure that employees are adequately trained to handle food safely within the food facility.

15 May 2009 cP-37.1 Reg 12 s25.

Food sanitation training

26(1) Unless exempted in writing by the local authority, an operator of a public eating establishment must ensure that a person who has successfully completed a course in food sanitation that is approved by the local authority is working in the public eating establishment at all times when food is being prepared and served.

(2) A local authority may require the operator of a food facility or other person who handles, processes, prepares, packages, sells or stores food to attend and successfully complete a course in food sanitation that is approved by the local authority, if, in the opinion of the local authority, the food facility is operated in a manner that is injurious to or may endanger the public health.

15 May 2009 cP-37.1 Reg 12 s26.

Personal cleanliness and hygiene

27 An operator of a food facility must ensure that all persons working in the food facility:

- (a) observe high standards of personal cleanliness and proper hygiene; and
- (b) engage in safe food-handling practices that will prevent the contamination of food and surfaces that come in contact with food.

15 May 2009 cP-37.1 Reg 12 s27.

Persons with communicable diseases

28 Unless exempted in writing by the local authority, an operator of a food facility must ensure that persons in the following categories do not work in the food facility in any capacity in which the persons might contaminate food or surfaces that come in contact with food or might transmit disease to other persons:

- (a) persons who are infected with a communicable disease that can be transmitted by food;
- (b) persons who are carriers of a communicable disease that can be transmitted by food;
- (c) persons with an infection on the skin, an acute respiratory infection or gastrointestinal illness.

15 May 2009 cP-37.1 Reg 12 s28.

PART IV**Public Access to Restaurant Information****Interpretation of Part**

29 In this Part:

- (a) **“de-identified information”** means personal information or personal health information from which any information that may reasonably be expected to identify a third party has been removed;

- (b) **“information”** means, with respect to a restaurant:
- (i) whether or not:
 - (A) a licence has been issued pursuant to the Act or these regulations for the restaurant and, if a licence has been issued, the terms and conditions of the licence; or
 - (B) a licence issued for the restaurant has been amended, suspended or cancelled;
 - (ii) information collected by a local authority during the investigation of a complaint, illness or injury concerning the restaurant related to food;
 - (iii) the contents of any inspection report made pursuant to the Act or these regulations concerning the restaurant;
 - (iv) the contents of any order issued pursuant to the Act or these regulations concerning the restaurant;
 - (v) information related to an order issued or enforcement action taken by the local authority pursuant to the Act or these regulations concerning the restaurant; and
 - (vi) any charges laid, or convictions obtained with respect to the operation of the restaurant pursuant to the Act or these regulations;
- (c) **“personal health information”** means personal health information as defined in *The Health Information Protection Act*;
- (d) **“personal information”** means personal information within the meaning of section 24 of *The Freedom of Information and Protection of Privacy Act* or section 23 of *The Local Authority Freedom of Information and Protection of Privacy Act*;
- (e) **“restaurant”** means a public eating establishment:
- (i) that is open on a regular basis to members of the general public; and
 - (ii) where food or drink is sold to members of the general public, and payment is made:
 - (A) on receipt of the food or drink; or
 - (B) immediately before or after the food or drink is made available;
- but does not include a public eating establishment that is exempted pursuant to subsection 5(2), or for which an exemption has been granted pursuant to subsection 5(3), from the requirement to have a licence.
- (f) **“third party”** means, in relation to a restaurant, a person who is not an owner or operator of the restaurant or employed in, or associated with, the operation of the restaurant.

Public access to restaurant information

30(1) Subject to section 31, a local authority may in accordance with this section provide public access to information with respect to a restaurant.

(2) Subject to subsection (3), a person may apply to obtain, and a local authority is required to provide public access to, the information concerning a restaurant that covers the matters mentioned in subclauses 29(b)(i) to (vi) only during the period that commenced on the later of:

- (a) the day that is three years before the date of the application; or
- (b) October 1, 2008.

(3) A local authority may provide all or part of any information concerning a restaurant that covers matters before the period mentioned in subsection (2) if the local authority:

- (a) believes public access to that information, or that part of the information, is in the public interest; or
- (b) receives written permission from the operator of the restaurant to provide public access to the information or that part of the information.

(4) An applicant for public access shall pay a fee of \$30 to the local authority to obtain the information for each restaurant to which the application relates.

(5) Subject to section 31, the minister may provide public access to information with respect to a restaurant.

(6) Nothing in this section prohibits a local authority or the minister from making all or any part of the information concerning a restaurant available to the public through a website or other electronic means.

15 May 2009 cP-37.1 Reg 12 s30.

Information re third parties

31 When a local authority or the minister discloses information pursuant to this Part and that information includes personal information or personal health information with respect to a third party:

- (a) the local authority or the minister shall not disclose the personal information or personal health information if de-identified information will accomplish the purpose for which the information is being disclosed; and
- (b) if disclosure of personal information or personal health information is necessary to accomplish the purpose for which the information is being disclosed, the local authority or the minister shall disclose only the minimum amount of personal information or personal health information that is necessary to accomplish that purpose.

15 May 2009 cP-37.1 Reg 12 s31.

PART V
Food Safety Information

Interpretation of Part**32** In this Part:

- (a) **“food safety information”** means:
 - (i) processing facility information;
 - (ii) public eating establishment information;
 - (iii) information collected by a local authority during the investigation of a complaint, illness, or injury related to food;
 - (iv) the contents of any inspection report made pursuant to the Act or these regulations;
 - (v) the contents of any order issued pursuant to the Act or these regulations;
 - (vi) information related to an order issued or enforcement action taken by the local authority pursuant to the Act or these regulations; and
 - (vii) any charges laid, or convictions obtained pursuant to the Act or these regulations;
- (b) **“processing facility information”** means any information mentioned in section 33;
- (c) **“public eating establishment information”** means any information mentioned in section 34.

15 May 2009 cP-37.1 Reg 12 s32.

Provision of processing facility information to local authority

33 A local authority may require the operator of a processing facility to provide the following information to the local authority within a period set by the local authority:

- (a) the name and telephone number of the operator or owner of the processing facility;
- (b) the address of the processing facility;
- (c) the date on which the operation of the processing facility commenced;
- (d) the sources and types of food being processed in the processing facility;
- (e) the methods of processing being used in the processing facility;
- (f) the methods of transporting food from the processing facility;
- (g) the food safety training taken by the employees and operator of the processing facility;

- (h) the programs carried out in the processing facility for:
 - (i) maintaining general sanitation;
 - (ii) controlling pests; and
 - (iii) carrying out food or water recalls;
- (i) any other information related to the safety of food or water that the local authority may specify.

15 May 2009 cP-37.1 Reg 12 s33.

Provision of public eating establishment information to local authority

34 A local authority may require the operator of a public eating establishment to provide the following information to the local authority within a period set by the local authority:

- (a) the name and telephone number of the operator or owner of the public eating establishment;
- (b) the address of the public eating establishment;
- (c) the date on which the operation of the public eating establishment commenced;
- (d) the sources and types of food being prepared, kept, served, or sold in the public eating establishment;
- (e) the food safety training taken by the employees and operator of the public eating establishment;
- (f) the programs carried out in the public eating establishment for:
 - (i) maintaining general sanitation;
 - (ii) controlling pests; and
 - (iii) carrying out food or water recalls;
- (g) any other information related to the safety of food or water that the local authority may specify.

15 May 2009 cP-37.1 Reg 12 s34.

Disclosure of food safety information to certain agencies

35 A local authority may, for a purpose related to food safety, communicable disease control or public health protection, disclose food safety information:

- (a) to another local authority;
- (b) to the ministry;
- (c) to a ministry, department or agency of:
 - (i) the government of another province or territory of Canada;
 - (ii) the Government of Saskatchewan; or
 - (iii) the Government of Canada; or
- (d) with the prior approval of the chief medical health officer, to a ministry, department or agency of the government of any other jurisdiction.

15 May 2009 cP-37.1 Reg 12 s35.

PART VI
Repeal, Transitional and Coming into Force

R.R.S. c.P-37 Reg 7 repealed

36 *The Bakeshop Regulations, 1986* are repealed.

15 May 2009 cP-37.1 Reg 12 s36.

R.R.S. c.P-37 Reg 3 repealed

37 *The Public Eating Establishments Regulations* are repealed.

15 May 2009 cP-37.1 Reg 12 s37.

Transitional

38 A licence issued pursuant to any of the regulations mentioned in section 36 or 37 that is valid on the day before these regulations come into force is continued as a licence pursuant to these regulations until the earlier of:

- (a) the expiry date set out in the licence; and
- (b) one year from the day on which these regulations come into force.

15 May 2009 cP-37.1 Reg 12 s38.

Coming into force

39 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

15 May 2009 cP-37.1 Reg 12 s39.

