

Royal



Gazette

Part II

Regulations under the Regulations Act

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Contents

Act	Reg. No.	Page
Health Protection Act		
Communicable Diseases Regulations	196/2005	559
Confidentiality Regulations	199/2005	570
Control of Tuberculosis Regulations – repeal	201/2005	554
Counter Freezers Regulations – repeal	204/2005	571
Eating Establishments Regulations – repeal	203/2005	571
Food Safety Regulations	206/2005	577
Health Hazards Regulations	198/2005	567
Municipal Boards of Health Eating Establishments, Foodshops, Bakeries and the Manufacture of Bakery Products, Sale of Meat, Fish and Other Foods and Inspection, Sale and Vending of Foodstuffs Regulations – repeal	202/2005	572
Proclamation, S. 119, S.N.S. 2004, c. 4 – except S. 113(2)	194/2005	553
Reporting of Notifiable Diseases and Conditions Regulations	195/2005	555
Reporting Requirements for HIV Positive Persons Regulations	197/2005	562
Vending Machines Regulations – repeal	205/2005	571
Venereal Disease Regulations – repeal	200/2005	554
Natural Products Act		
Nova Scotia Egg Producers' Marketing Plan – amendment	192/2005	550
Nova Scotia Egg Producers Levy Order	193/2005	551
Summary Proceedings Act		
Summary Offence Tickets Regulations – amendment	190/2005	548
– amendment	191/2005	549

In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 190/2005

Made: September 14 and October 6, 2005

Filed: October 6, 2005

Summary Offence Tickets Regulations

Order in Council 2005-449 dated October 6, 2005
Amendment to regulations made by the Governor in Council
pursuant to Section 8 of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated September 14, 2005, and pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, is pleased to amend the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, to add certain offences under the Municipality of the County of Richmond Dog Control By-law No. 13 as summary offence ticket offences and set the out of court settlement amounts for the offences in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after October 6, 2005.

Order

I, Michael G. Baker, Q.C., Minister of Justice and Attorney General of Nova Scotia, hereby order and direct pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, that the penalty to be entered on a summons in respect of an offence set out in amendments to the Schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, as set forth in Schedule "A", is the amount of the out of court settlement set out opposite the description of that offence, and the out of court settlement amount includes the charge provided for, and in accordance with, Sections 8 and 9 of the Act.

This Order is effective on and after the making by the Governor in Council of the amendments to the *Summary Offence Tickets Regulations* set out in Schedule "A".

Dated and made September 14, 2005, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd: *Michael G. Baker*
Honourable Michael G. Baker, Q.C.
Minister of Justice and Attorney General of Nova Scotia

Schedule "A"

**Amendment to the *Summary Offence Tickets Regulations*
made by the Governor in Council pursuant to Section 8 of Chapter 450
of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act***

The *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, are amended by adding the following Schedule immediately after Schedule 18-Y:

Schedule 18-Z
Municipality of the County of Richmond By-laws

Offence	Section	Out of Court Settlement
Dog Control By-law - No. 13		
1. Owning dog that runs at large	13(a)	\$215.00
2. Owning dog for which annual dog tax not paid	13(b)	\$215.00
3. Owning dog that, unprovoked, attacks or injures domestic animal, person or property	13(c)	\$215.00
4. Owning restricted dog that is in public place without muzzle	13(d)	\$215.00
5. Owning restricted dog that is in public place and not under effective control of adult by leash or harness	13(d)	\$215.00
6. Owning dog that persistently disturbs quiet of neighbourhood	13(e)	\$215.00

N.S. Reg. 191/2005

Made: September 14 and October 6, 2005

Filed: October 6, 2005

Summary Offence Tickets Regulations

Order in Council 2005-450 dated October 6, 2005
Amendment to regulations made by the Governor in Council
pursuant to Section 8 of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated September 14, 2005, and pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, is pleased to amend the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, to repeal and replace the designated offence under the Noise By-law - N-200, of the Halifax Regional Municipality By-laws in Schedule 18-B, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after October 6, 2005.

Order

I, Michael G. Baker, Q.C., Minister of Justice and Attorney General of Nova Scotia, hereby order and direct pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, that the penalty to be entered on a summons in respect of an offence set out in amendments to the Schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, as set forth in Schedule "A", is the amount of the out of court settlement set out opposite the description of that offence, and the out of court settlement amount includes the charge provided for, and in accordance with, Sections 8 and 9 of the Act.

This Order is effective on and after the making by the Governor in Council of the amendments to the *Summary Offence Tickets Regulations* set out in Schedule "A".

Dated and made September 14, 2005, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd: *Michael G. Baker*
 Honourable Michael G. Baker, Q.C.
 Minister of Justice and Attorney General of Nova Scotia

Schedule "A"

**Amendment to the *Summary Offence Tickets Regulations*
 made by the Governor in Council pursuant to Section 8 of Chapter 450
 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act***

Schedule 18-B of the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, is amended under the heading "Halifax Regional Municipality By-laws" by repealing item 1 under the heading "Noise By-law - N-200" and substituting the following item:

1. Engaging in activity that unreasonably disturbs neighbourhood	3(1)	
first offence		\$445.00
second offence		\$905.00
third or subsequent offence		\$1250.00

N.S. Reg. 192/2005

Made: October 6, 2005

Filed: October 6, 2005

Nova Scotia Egg Producers' Marketing Plan

Order in Council 2005-452 dated October 6, 2005
 Amendment to regulations made by Natural Products Marketing Council and
 approved by the Governor in Council
 pursuant to Section 11 of the *Natural Products Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated September 20, 2005, and pursuant to Section 11 of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, is pleased to approve of amendments made by the Natural Products Marketing Council to the *Nova Scotia Egg Producers' Marketing Plan*, N.S. Reg. 239/82, made by the Natural Products Marketing Council and approved by the Governor in Council by Order in Council 82-1416 dated November 23, 1982, to increase the maximum allowable egg levy in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after October 6, 2005.

Schedule "A"

I certify that the Natural Products Marketing Council, at its meeting on August 30, 2005, amended the *Nova Scotia Egg Producers' Marketing Plan*, made by Council and approved by Order in Council 82-1416 dated November 23, 1982, by striking out "\$0.30" in clause 20(b) and substituting "\$0.40".

The amendment referred to in this certificate is effective on and after the date it is approved by Governor in Council.

Signed at Truro, in the County of Colchester, Nova Scotia on August 30, 2005.

Sgd: *G. Burris*
George D. Burris
General Manager
Natural Products Marketing Council

N.S. Reg. 193/2005

Made: August 10, 2005

Filed: October 13, 2005

Nova Scotia Egg Producers Levy Order

Order dated August 10, 2005
made by the Nova Scotia Egg Producers
pursuant to Section 11 of the *Natural Products Act*

Nova Scotia Egg Producers Levy Order Thirty-four

Whereas pursuant to an Order in Council P.C. 3655-178 of the 7th day of December, 1978, the Minister of Agriculture for Canada executed an Agreement with the Ministers of Agriculture for each of the Provinces, ratified by the Egg Producers Marketing Board for each of the Provinces provided for cooperation in developing an integrated system of levies to be imposed by the Commodity Boards of the various Provinces and by the Canadian Egg Marketing Agency upon persons engaged in the marketing of eggs in intra-provincial and interprovincial and export trade;

And whereas the levy to be imposed by the Commodity Board on behalf of the Agency is \$0.29 per dozen eggs and the levy to be imposed by the Nova Scotia Egg Producers for administration and for the Provincial Industrial Product Removal Program is \$0.03 per dozen eggs, for a total of \$0.32 per dozen eggs, effective on and after the date of Governor in Council approval respecting the amendment of clause 20(b) of the *Nova Scotia Egg Producers' Marketing Plan*;

The Nova Scotia Egg Producers hereby approves and adopts the following Order:

- 1 This Order may be cited as the *Nova Scotia Egg Producers Levy Order*.
- 2 In this Order,
 - (a) "Agency" means the Canadian Egg Marketing Agency;
 - (b) "Commodity Board" means the Nova Scotia Egg Producers;
 - (c) "egg" means egg of a hen;
 - (d) "grading station operator" means any person who washes, grades, packs, offers for sale, sells, stores, transports or markets eggs and includes a [the] Commodity Board, when applicable, and includes a producer-vendor;
 - (e) "hen" means a hen of any class of the domestic chicken belonging to the species *Gallus domesticus*;

- (f) “Plan” means the *Nova Scotia Egg and Pullet Producers Marketing Plan*, and amendments thereto;
- (g) “producer” means any person engaged in the production of eggs in the Province and includes a producer-vendor;
- (h) “producer-vendor” means a producer who is a grading station operator in respect of all or any portion of eggs produced by that producer.
- 3 (1) A levy is imposed on every producer of \$0.32 per dozen of eggs marketed by the producer minus the number of dozens of eggs, if any, marketed by the producer in interprovincial and export trade.
- (2) The levy imposed by subsection (1) shall, where the eggs are sold or otherwise disposed of
- (a) to a person who is not a grading station operator, be paid by the producer directly to the Commodity Board; or
- (b) to a grading station operator, be paid to the grading station operator to whom they are delivered, by the grading station operator deducting the amount of the levy from the monies payable by the grading station operator to the producer for the eggs and the grading station operator shall in turn pay the levies so collected to the Commodity Board. [*sic*]
- 4 As with previous levies, it is hereby confirmed that the total levy imposed on the producer with respect to eggs marketed by that producer in interprovincial and export trade shall, through the Levy Order set up and amended from time to time by the Agency, be identical to the total levy imposed hereunder for intra-provincial trade.
- 5 This Order shall come into force effective on and after the date of Governor in Council approval respecting the amendment of clause 20(b) of the *Nova Scotia Egg Producers’ Marketing Plan*.
- 6 *Nova Scotia Egg Producers Levy Order Thirty-three* is repealed effective upon the coming into force of this Levy Order.

Signed at Truro, Nova Scotia on August 26, 2005.

Certificate

I hereby certify that the within and foregoing is a true and correct copy of an Order made by the Nova Scotia Egg Producers on August 10, 2005.

Sgd: *Patti Wyllie*
Patricia Wyllie
General Manager
Nova Scotia Egg Producers

N.S. Reg. 194/2005

Made: October 14, 2005

Filed: October 14, 2005

Proclamation, S. 119, S.N.S. 2004, c. 4

Order in Council 2005-456 dated October 14, 2005

Proclamation made by the Governor in Council

pursuant to Section 119

of the *Health Protection Act*

The Governor in Council on the report and recommendation of the Minister of Health and the Minister of Agriculture and Fisheries dated September 6, 2005, pursuant to Section 119 of Chapter 4 of the Acts of 2004, the *Health Protection Act*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Chapter 4 of the Acts of 2004, the *Health Protection Act*, except subsection 113(2), come into force on and not before November 1, 2005.

PROVINCE OF NOVA SCOTIA

Sgd: *Myra A. Freeman*

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 119 of Chapter 4 of the Acts of 2004, the *Health Protection Act*, it is enacted as follows:

119 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 4 of the Acts of 2004, the *Health Protection Act*, except subsection 113(2), come into force on and not before November 1, 2005;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 4 of the Acts of 2004, the *Health Protection Act*, except subsection 113(2), come into force on and not before November 1, 2005, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour
the Honourable Myra A. Freeman, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 14th day of October, in the year of Our Lord two thousand and five and in the fifty-fourth year of Our Reign.

BY COMMAND:

Sgd: *Michael G. Baker*
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 195/2005 to 201/2005

Made: October 14, 2005

Filed: October 14, 2005

Reporting of Notifiable Diseases Regulations, Communicable Diseases Regulations, Reporting Requirements for HIV Positive Persons Regulations, Health Hazards Regulations, Confidentiality Regulations, Venereal Diseases Regulations and Control of Tuberculosis Regulations

Order in Council 2005-457 dated October 14, 2005
Regulations and repeal of regulations made by the Governor in Council pursuant to Sections 74 and 106 of the *Health Protection Act*

The Governor in Council on the report and recommendation of the Minister of Health dated June 14, 2005, and pursuant to Sections 74 and 106 of Chapter 4 of the Acts of 2004, the *Health Protection Act*, is pleased, effective on and after November 1, 2005, to

- (a) make new regulations respecting the reporting of notifiable diseases in the form set forth in Schedule “A” attached to and forming part of the report and recommendation;
- (b) repeal the regulations respecting communicable diseases, N.S. Reg. 28/57, made by the Governor in Council by Order in Council dated May 14, 1957, and make new regulations respecting communicable diseases in the form set forth in Schedule “B” attached to and forming part of the report and recommendation;
- (c) repeal the *Reporting Requirements for HIV Positive Persons Regulations*, N.S. Reg. 31/2000, made by the Governor in Council by Order in Council 2000-101 dated March 8, 2000, and make new regulations respecting HIV reporting requirements in the form set forth in Schedule “C” attached to and forming part of the report and recommendation;
- (d) make new regulations respecting health hazards in the form set forth in Schedule “D” attached to and forming part of the report and recommendation;
- (e) make new regulations respecting confidentiality in the form set forth in Schedule “E” attached to and forming part of the report and recommendation;
- (f) repeal the regulations respecting venereal diseases, N.S. Reg. 58/73, made by the Governor in Council by Order in Council 73-745 dated July 17, 1973; and **[N.S. Reg. 200/2005]**

- (g) repeal the regulations respecting the control of tuberculosis, N.S. Reg. 45/42, made by the Governor in Council by Order in Council dated March 9, 1942. [N.S. Reg. 201/2005]

N.S. Reg. 195/2005

Reporting of Notifiable Diseases and Conditions Regulations

Schedule "A"**Regulations Respecting the Reporting of Notifiable Diseases and Conditions
made by the Governor in Council pursuant to Sections 74 and 106 of
Chapter 4 of the Acts of 2004, the *Health Protection Act*****Citation**

1 These regulations may be cited as the *Reporting of Notifiable Diseases and Conditions Regulations*.

Definitions

2 (1) In these regulations,

- (a) "Act" means the *Health Protection Act*;
- (b) "Guidelines" means the *Nova Scotia Surveillance Guidelines for Notifiable Diseases and Conditions* as approved by the Chief Medical Officer;
- (c) "report" means a report made under Section 31 of the Act.

(2) For the purposes of the Act,

- (a) "infectious" or "contagious", in relation to a person, means that the person has a communicable disease;
- (b) "resident" means
 - (i) a person who is placed in, remanded or admitted to an institution,
 - (ii) a child who attends a facility, as defined in the *Day Care Act*, or
 - (iii) a student who lives in a residence owned by an institution prescribed in subsection (3).

(3) For the purposes of subclause 4(i)(ix) of the Act, the following are prescribed as institutions:

- (a) Nova Scotia Community College;
- (b) an institution or university under the *Maritime Provinces Higher Education Commission Act*;
- (c) a private career college under the *Private Career Colleges Regulation Act*;
- (d) Université Sainte-Anne - Collège de l'Acadie.

(4) For the purpose of subsection 31(5) of the Act, "an illness is serious and is occurring at a higher rate than is normal" refers to a disease occurring more frequently than would normally be expected, or in a rare or unusual form.

Prescribed circumstances under which report required

3 For the purpose of subsection 31(4) of the Act, the following circumstances are prescribed as circumstances under which a report is required:

- (a) when a person discovers a notifiable disease or condition as a result of a biopsy or autopsy;
- (b) when a blood test conducted by an employee of Canadian Blood Services reveals a notifiable disease or condition;
- (c) when a death certificate indicates that a deceased person had a notifiable disease or condition at the time of death, and in that circumstance the report must be made by the Deputy Registrar General appointed under the *Vital Statistics Act*.

Report required only in circumstances that arise while functioning in professional capacity

4 A person must make a report only if the circumstances that require the report arise while the person is functioning in their professional capacity.

Report to be in accordance with Guidelines

5 A report must be made in accordance with the Guidelines.

Report to be made to medical officer

- 6** (1) A report must be made to the medical officer who has jurisdiction in the locality in which the reporting person works.
- (2) If a person who is the subject of a report does not live in the locality in which the reporting person works, the medical officer who receives the report must forward it to the medical officer who has jurisdiction in the locality of the person who is the subject of the report.

System for reporting required at institution

7 An administrator of an institution must ensure that an appropriate system is in place to ensure that all reports are made in accordance with these regulations.

Information required for reporting

8 A report must include, to the extent possible,

- (a) the name, age, address, ethnicity and sex of the person who is the subject of the report;
- (b) the name of the notifiable disease or condition or the illness that is being reported;
- (c) all clinical and epidemiological details pertinent to the diagnosis and follow-up of the person who is the subject of the report; and
- (d) the name and profession of, and contact information for, the reporting person,

and any additional information required by the medical officer for case management and prevention of transmission of the notifiable disease or condition or the illness.

Notice of report to Chief Medical Officer

9 A medical officer must notify the Chief Medical Officer, in the form and at the intervals prescribed in the Guidelines, of all reports made to the medical officer.

Records required to be provided

- 10 (1) Every principal of a public school and operator of a private school under the *Education Act* must provide to the medical officer who has jurisdiction in the school's locality copies of school records, such as absentee reports and class lists, as required by the Guidelines or requested by the medical officer.
- (2) Every director of a day care facility under the *Day Care Act* must provide to the medical officer who has jurisdiction in the facility's locality copies of records, such as attendance records, daily logs, infant and toddler records, and menus, as required by the Guidelines or requested by the medical officer.

Designations of diseases and conditions

- 11 (1) The diseases and conditions listed in Schedule A are designated as notifiable diseases and conditions for the purpose of clause 4(m) of the Act.
- (2) The diseases listed under the heading "Dangerous diseases designated by regulations" in Part I of Schedule A are designated as dangerous diseases for the purpose of clause 4(c) of the Act.

Schedule A
List of Notifiable Diseases and Conditions

Part I - Communicable Diseases

Dangerous diseases specified in Act

All diseases specified in clause 4(c) of the Act

Dangerous diseases designated by regulations

Crimean congo hemorrhagic fever
Influenza virus of pandemic potential
Marburg hemorrhagic fever
Viral hemorrhagic fevers- other

Other communicable diseases

Acquired immunodeficiency syndrome (AIDS)
Acute flaccid paralysis (AFP)
Amebiasis
Anthrax
Botulism
Brucellosis
Campylobacteriosis
Chancroid
Chlamydia
Cholera
Congenital rubella syndrome
Creutzfeld-Jakob disease - classic (CJD)
Creutzfeld-Jakob disease - new variant (vCJD)
Cryptosporidiosis
Cyclosporiasis
Diphtheria
Encephalitis (viral)
Giardiasis

Gonorrhoea
Group A streptococcal disease invasive
Group B streptococcal disease of the newborn
Haemophilus influenzae type b (HIB) invasive disease
Hantavirus pulmonary syndrome (HPS)
Hepatitis A
Hepatitis B
Hepatitis C
Hepatitis D
Hepatitis E
Human Immunodeficiency Virus (HIV)
HTLV I & II
Human granulocytic ehrlichiosis (HGE)
Influenza laboratory confirmed
Legionellosis
Leprosy (Hansen's disease)
Listeriosis
Lyme disease
Lymphogranuloma venereum
Malaria
Measles
Meningitis (bacterial)
Meningitis (viral)
Meningococcal disease invasive
Methicillin resistant staphylococcus aureus (MRSA)
Mumps
Paratyphoid
Pertussis
Pneumococcal disease invasive
Poliomyelitis
Q fever
Rabies
Relapsing fever
Respiratory outbreaks in long term care facilities
Rocky Mountain spotted fever
Rubella
Salmonellosis
Shellfish poisoning (amnesic)
Shellfish poisoning (domoic)
Shellfish poisoning (paralytic)
Shigellosis
Syphilis
Tetanus
Toxoplasmosis
Trichinellosis
Tularemia
Typhoid
Vancomycin resistant enterococcus (VRE)
Verotoxigenic escherichia coli infection
West Nile virus (WNV)
Yellow fever
Yersiniosis

Part II - Non-communicable Diseases and Conditions

Vaccine associated adverse events (VAAE)

N.S. Reg. 196/2005

Communicable Diseases Regulations

Schedule “B”**Regulations Respecting Communicable Diseases
made by the Governor in Council pursuant to
Sections 74 and 106 of Chapter 4 of the Acts of 2004,
the *Health Protection Act*****Citation**

1 These regulations may be cited as the *Communicable Diseases Regulations*.

Interpretation

2 (1) In these regulations,

- (a) “Act” means the *Health Protection Act*;
- (b) “communicable disease” includes dangerous disease;
- (c) “contact” means a person or animal suspected to have been in association with an infected person or animal or a contaminated environment to a sufficient degree to have had the opportunity to become infected;
- (d) “infected” means harbouring an infectious agent;
- (e) “institution” includes an institution prescribed by subsection 2(3) of the *Reporting of Notifiable Diseases and Conditions Regulations*;
- (f) “Manual” means the *Nova Scotia Communicable Disease Manual* as approved by the Chief Medical Officer;
- (g) “outbreak” means an occurrence in a community or region of an illness, specific health-related behaviour or other health-related events clearly in excess of normal expectancy.

(2) For the purposes of the Act,

- (a) “cleaning” means removing, by scrubbing and washing, infectious agents that may adhere to surfaces, or removing organic matter favourable to the survival of infectious agents;
- (b) “disinfecting” means destroying infectious agents outside the body by any means;
- (c) “incubation period” means the period of time between the exposure of a person to an infectious agent and the appearance in the person of the first sign or symptom of the communicable disease caused by the infectious agent.

- (3) For the purposes of clauses 32(3)(g) and (h) and 38(1)(d) of the Act and subsection 39(6) of the Act, a physician is acceptable to the medical officer if the physician is designated by the medical officer as having the appropriate qualifications to meet the specific objective.

Powers and duties of medical officer

- 3 (1) A medical officer must investigate every report of a communicable disease to determine whether a communicable disease exists.
- (2) A medical officer who knows of, or has reason to suspect the existence of, a communicable disease within the locality in which the medical officer has jurisdiction may initiate an investigation to determine whether any action is necessary to protect the public health.
- (3) If an investigation under subsection (1) or (2) confirms the presence of a communicable disease and the medical officer determines that it is necessary to take action to protect the public health with respect to the disease, the medical officer must ensure that specific control measures for the disease are taken in accordance with the Manual to
- (a) suppress the disease in those who may already be infected with it;
 - (b) protect those who have not already been exposed to the disease;
 - (c) prevent the transmission of the disease; and
 - (d) identify and remove the source of the disease.
- (4) An illness that is suspected by a medical officer to be a communicable disease must be referred to and dealt with by the medical officer as if it were a communicable disease until the suspicion is disproved.
- (5) Nothing in this Section limits the powers and duties of a medical officer that are prescribed in the Act.

Medical officer may require laboratory director to transmit sample

- 4 A medical officer may require that a director of a laboratory transmit to the public health laboratory any sample, specimen or culture that the medical officer considers necessary for the investigation of a communicable disease or outbreak.

Medical officer may require person to give information

- 5 (1) If a medical officer believes that a person has been or is engaging in an activity that may result in the transmission of a communicable disease, the medical officer may instruct that person in writing to provide the medical officer with any information respecting the activity.
- (2) In order to determine the existence of a communicable disease, a medical officer may require any information concerning the disease, including the sources or suspected sources of the disease and the names and addresses of any persons who may have been exposed to or become infected with the disease, from any person who is reasonably suspected of knowing the information.

Medical officer may restrict person from certain settings

- 6 If a medical officer has reason to believe that a person has or may have a communicable disease, the medical officer may restrict the person from being in settings where they may place others at risk of infection.

Medical officer may prohibit admission to school, institution, workplace or day care

7 A medical officer may prohibit a principal of a public school, an operator of a private school under the *Education Act*, an administrator of an institution, an employer or a director of a day care facility from admitting any person who has a communicable disease or has been in contact with a communicable disease until the medical officer authorizes their admission.

Medical officer may prohibit public gatherings

8 In addition to the requirements that a medical officer may include in an order under clause 32(3)(a) of the Act, a medical officer may prohibit public gatherings for the purpose of controlling the transmission of a communicable disease for such period of time as the medical officer believes to be necessary or advisable.

Procedure for medical officer upon learning of outbreak

9 Upon learning of an outbreak, a medical officer must inquire into the causes and circumstances of the outbreak, and if the medical officer is not satisfied that all due precautions are being taken, the medical officer must advise the persons competent to act of the measures that the medical officer believes to be necessary or advisable to prevent the transmission of the disease, and must assist with the preventative measures.

Duties of physician

- 10 (1) If a person who is under a physician's care and treatment for a communicable disease refuses or neglects to continue the treatment in a manner and to a degree satisfactory to the physician, the physician must report the person to the medical officer who has jurisdiction in the person's locality.
- (2) Immediately upon discovering an occurrence of a communicable disease, a physician must take steps to prevent the transmission of the communicable disease to others and must take such action as is required by these regulations.

Duty of person with communicable disease, carrier or contact

11 At the request of a medical officer, a person with a communicable disease, a carrier or a contact must notify the medical officer of the identity of any contacts and provide any other relevant information required by the medical officer.

Identification and notification of contacts in accordance with Manual and guidelines

12 The identification and notification of contacts must be done in accordance with the Manual and any contact notification guidelines that are adopted by the Chief Medical Officer.

Signage

- 13 (1) A person must not interfere with or obstruct a medical officer or their delegate in displaying or requiring the display of signage on a premises in accordance with an order made under Section 32 of the Act.
- (2) A person must not remove, conceal or mutilate signage without authority from a medical officer.
- (3) If signage is removed, concealed or mutilated without authority from a medical officer, the occupant or owner of the premises where the signage was displayed must notify a medical officer without delay.

Immunization programs

14 The Minister may provide active or passive immunizing agents free of charge for the prevention, treatment or modification of communicable diseases, and determine

- (a) which the immunizing agents are to be provided free of charge;

- (b) the persons eligible to receive the immunizing agents free of charge;
- (c) the conditions under which the immunizing agents are provided and administered; and
- (d) the method of distributing the immunizing agents and the health practitioners to whom they are provided.

N.S. Reg. 197/2005

Reporting Requirements for HIV Positive Persons Regulations

Schedule "C"

**Regulations Respecting Reporting Requirements for HIV Positive Persons
made by the Governor in Council pursuant to Section 74 of
Chapter 4 of the Acts of 2004,
the *Health Protection Act***

Interpretation**Citation**

1 These regulations may be cited as the *Reporting Requirements for HIV Positive Persons Regulations*.

Definitions

2 In these regulations,

- (a) "Act" means the *Health Protection Act*;
- (b) "agency" means a facility designated by the Minister to provide anonymous HIV testing services;
- (c) "AIDS" means Acquired Immune Deficiency Syndrome;
- (d) "anonymous testing" means HIV testing
 - (i) in which results can be linked to the person being tested by a code known only by the person and the counsellor performing the test, and
 - (ii) that is provided only by counsellors at sites that are specifically designated by the Minister to perform anonymous testing;
- (e) "code" means a series of numbers and letters used to replace the name of a positive person in accordance with subsection 9(2) or subsection 11(3);
- (f) "counsellor" means an individual who has been hired or designated by an agency to provide anonymous HIV testing services, but does not include a physician;
- (g) "donation of blood or other tissues" includes donations, whether for compensation or not, of blood, semen, organs, breast milk, corneas or other tissues or cells, whether replaceable by natural processes of repair or not;
- (h) "HIV" means Human Immunodeficiency Virus;

- (i) “medical officer” means the medical officer in charge of the locality in which the person responsible for reporting works;
- (j) “nominal testing” means HIV testing in which results can be linked to the person being tested by their full name;
- (k) “non-nominal testing” means HIV testing in which results can be linked to the person being tested by a code known only by the person and the physician performing the test;
- (l) “occupational exposure” means exposure to blood, blood products or body fluids, or [a] sharps injury sustained in the performance of work-related duties;
- (m) “partner” means an individual with whom a positive person has, since the probable earliest date of infection of the positive person,
 - (i) engaged in unprotected anal, vaginal or oral sexual intercourse, or
 - (ii) shared injection drug use equipment,or engaged in some other behaviour that, in the opinion of a physician, carries a significant risk of infection with HIV;
- (n) “positive person” means
 - (i) a person who has tested positive for HIV or any of its antibodies, or
 - (ii) a person whom a physician has diagnosed as having AIDS;
- (o) “probable earliest date of infection” means the date determined by a physician, using information from the positive person or other sources, to be the earliest probable date on which the positive person became infected with HIV;
- (p) “risk factor” means an aspect of personal behaviour or lifestyle that is known to be associated with HIV infection.

Duties of Physicians and Counsellors

Duty of physician

- 3** (1) If a physician has a patient who requests to be tested for HIV, the physician must comply with the counselling requirements of Sections 5 and 6.
- (2) If a physician has a patient who is a positive person, the physician must
- (a) comply with the reporting requirements of Sections 8, 9 and 10 and the partner notification requirements of Sections 12 and 14 in respect of the positive person; or
 - (b) if the physician is unable to comply with clause (a),
 - (i) identify a physician who is willing to comply with the requirements of clause (a) in respect of the positive person,

- (ii) with the consent of the positive person, transfer responsibility for the positive person's case to the physician identified under subclause (i),
- (iii) provide all relevant information about the positive person within the physician's knowledge to the physician identified under subclause (i), and
- (iv) inform the medical officer that the physician has transferred responsibility for the positive person under subclause (ii),
 - (A) identifying the physician to whom the responsibility for the positive person has been transferred, and
 - (B) identifying the positive person
 - (I) by non-nominal code, if the person tested positive by non-nominal testing, or
 - (II) by name if the person tested positive by nominal testing.

Duty of counsellor

- 4 (1) If a person requests anonymous testing from a counsellor, the counsellor must comply with the counselling requirements of Sections 5 and 6.
- (2) If a person who requests anonymous testing from a counsellor tests positive, the counsellor must comply with the reporting requirements of Section 11 and the partner notification requirements of Sections 12 and 14.

Counselling Requirements**Pre-test counselling**

- 5 (1) Before a physician or counsellor initiates an HIV test, the physician or counsellor must counsel the person to be tested, in accordance with pre-test counselling guidelines approved by the Department.
- (2) If a person to be tested for HIV has had an occupational exposure, the physician or counsellor must counsel the person in accordance with occupational exposure guidelines approved by the Department.

Post-test counselling

- 6 (1) When a physician or counsellor communicates the result of an HIV test to a person, the physician or counsellor must
- (a) counsel the person in accordance with post-test counselling guidelines approved by the Department; and
 - (b) if the person has tested positive, advise the person of the partner notification requirements of these regulations in accordance with Section 12.
- (2) When a physician or counsellor communicates the result of an HIV test to a person who has had an occupational exposure, the physician or counsellor must counsel the person in accordance with occupational exposure guidelines approved by the Department.

Physicians' Reporting Requirements for Nominal and Non-nominal Testing

Request for nominal or non-nominal testing

7 After pre-test counselling, a person seeking an HIV test from a physician must choose either nominal or non-nominal testing.

Reporting of nominal test result

8 If a person who requests nominal testing from a physician tests positive, the physician must report to the medical officer

- (a) the name of the positive person;
- (b) the risk factors that may have caused HIV infection in the positive person;
- (c) the date or dates on which and the location or locations where the positive person may have received blood or other tissues;
- (d) the positive person's history of donations of blood or other tissues;
- (e) confirmation that all reasonable efforts have been made to notify the positive person's partners in accordance with Sections 12 to 14; and
- (f) any additional epidemiological information not included under clauses (b) to (e) that is required in accordance with guidelines approved by the Chief Medical Officer.

Reporting of non-nominal test result

9 (1) If a person who requests non-nominal testing from a physician tests positive, the physician must report to the medical officer

- (a) the test result using the non-nominal code in accordance with subsection (2); and
- (b) the information required by clauses 8(b) to (f).

(2) The non-nominal code must be composed as follows:

Full date of birth:	__/__/__	(6 numbers)
	day/month/year	
Gender:	_	(1 letter, either M or F)
County where resident:	---	(first 3 letters)
3 letters chosen by person to be tested:	---	(3 letters)

Circumstances for reporting of name

10 Despite any other provision of these regulations, a physician of a positive person must report the name of the positive person and all relevant information obtained from the positive person to the medical officer if

- (a) prior to testing positive, the positive person made a donation of blood or other tissues; or
- (b) the medical officer, after consultation with the physician of the positive person, is of the opinion that the protection of the public health requires it.

Counsellors' Reporting Requirements for Anonymous Testing

Reporting of anonymous test results

- 11 (1)** If a person who requests anonymous testing from a counsellor tests positive, the counsellor who provided the test must report to the medical officer
- (a) the test result using the anonymous code in accordance with subsection (3); and
 - (b) risk factor information regarding the positive person in accordance with the guidelines approved by the Department.
- (2)** If a person tests negative by anonymous testing, the counsellor who provided the test must report risk factor information regarding that person to the medical officer in accordance with the guidelines approved by the Department.
- (3)** The anonymous code must be composed as follows:
- | | | |
|---------------------------------------|-----------|--|
| Year of birth: | _ _ _ _ | (4 numbers) |
| Gender: | _ | (1 letter, either M or F) |
| County where resident: | _ _ _ | (first 3 letters) |
| Testing site identification: | _ _ | (2 numbers assigned by the medical officer) |
| Client number of person to be tested: | _ _ _ _ _ | (minimum of 4 numbers, sequentially assigned to clients by counsellor) |

Partner Notification

Advice of requirement for partner notification

- 12** As part of the counselling provided to a positive person under subsection 6(1), the physician or counsellor of the positive person must advise the positive person about
- (a) the positive person's responsibility to inform every partner of the positive person about their risk of exposure to HIV;
 - (b) partner notification guidelines approved by the medical officer; and
 - (c) the positive person's ability to transfer responsibility for partner notification under clause 13(b) to a physician or public health nurse who will notify partners on behalf of the positive person.

Responsibility of positive person

- 13** If a person tests positive for HIV, the positive person must
- (a) notify partners in accordance with partner notification guidelines approved by the medical officer; or
 - (b) transfer responsibility for partner notification to a physician or public health nurse who will notify partners on behalf of the positive person in accordance with partner notification

guidelines approved by the medical officer, in which case the positive person must make all reasonable efforts to provide the names and other relevant information about every partner of the positive person to the physician or public health nurse.

Physician required to consult with medical officer

- 14 Despite Sections 12 and 13, if the physician of a positive person is not satisfied that a partner of the positive person has been informed that he or she is at risk of exposure to HIV, the physician of the positive person must consult the medical officer.

N.S. Reg. 198/2005

Health Hazards Regulations

Schedule "D"

**Regulations Respecting Health Hazards
made by the Governor in Council pursuant to Section 74 of
Chapter 4 of the Acts of 2004, the *Health Protection Act***

Citation

- 1 These regulations may be cited as the *Health Hazards Regulations*.

Definitions

- 2 In these regulations,
- (a) "Act" means the *Health Protection Act*;
 - (b) "health hazard" includes a potential health hazard;
 - (c) "management plan" means a plan determined or developed by a medical officer to prevent, remedy or mitigate a health hazard and to identify or remove the source of the health hazard;
 - (d) "risk assessment" means a risk assessment carried out under Section 18 of the Act with respect to a health hazard.

Medical officer may require report in writing

- 3 A medical officer may require a person reporting the belief of the existence of a health hazard to provide the report in writing.

Medical officer may require person to give information

- 4 A medical officer who believes that a person has engaged or is engaging in an activity that may result in a health hazard may instruct the person in writing to provide the medical officer with any information respecting the activity and what actions the person is taking or has taken to ensure that a health hazard does not occur.

Medical officer must investigate report

- 5 (1) A medical officer must investigate every report of a health hazard to determine whether a health hazard exists.
- (2) In determining whether a matter is a health hazard, a medical officer must consider
- (a) the number of people that are or may be affected by the matter;

- (b) the nature and seriousness of any public health risk that could arise from the matter; and
 - (c) any precautions that the person responsible for the matter is taking or has taken to avoid or minimize any adverse effect or potential adverse effect of the matter,
- and any additional factors that the medical officer considers relevant.

Notification when no health hazard exists

6 If a medical officer reasonably believes that a reported health hazard does not exist, the medical officer must

- (a) notify the reporting person of the medical officer's determination; and
- (b) inform the reporting person of other options that are available to them to deal with the matter.

Risk assessment

7 (1) If a medical officer reasonably believes that a reported health hazard exists, the medical officer may conduct a risk assessment under subsection 18(1) of the Act.

(2) A risk assessment may include

- (a) an identification of the level of exposure to the health hazard that is likely to cause an adverse affect;
- (b) an estimate of the risk to the public of exposure to the health hazard, having consideration for magnitude, duration and frequency of exposure;
- (c) the number of people that are or may be affected by the health hazard; and
- (d) the degree to which exposure to the health hazard would affect the public health.

Medical officer must communicate results of risk assessment

8 On completing a risk assessment, a medical officer must establish a communication process to inform the affected individuals or community of

- (a) the outcome of the risk assessment; and
- (b) if a risk is determined to exist, strategies for managing the risk.

Medical officer must determine or develop management plan

9 (1) If a medical officer reasonably believes that a reported health hazard exists, the medical officer must determine or develop a management plan for the health hazard.

- (2)** A management plan must be determined or developed in accordance with procedures or guidelines approved by the Chief Medical Officer or agreements entered into under clause 6(2)(c) of the Act.
- (3)** A medical officer may determine or develop a management plan without first having conducted a risk assessment.

Medical officer must provide management plan

10 (1) In this Section, "premises" means a location at which a health hazard is determined by a medical officer to exist.

- (2) On determining or developing a management plan for a health hazard, a medical officer must provide the management plan to a person who
- (a) owns or occupies the premises; or
 - (b) is or appears to be responsible for any
 - (i) condition of the premises,
 - (ii) substance, thing, plant, animal or organism other than a human on the premises,
 - (iii) solid, liquid or gas on or emanating from the premises,
 - (iv) radiation, noise, vibration or heat on or emanating from premises, or
 - (v) activity in or on the premises.

Person subject to order on failure to follow management plan

- 11** A person who fails to manage, remedy, mitigate or remove a health hazard in accordance with a management plan provided under subsection 10(2) is subject to any order that a medical officer may make under Section 20 of the Act.

Medical officer may notify other responsible government departments

- 12 (1)** If responsibility for a health hazard is assigned to any government department or agency other than the Department of Health, a medical officer may advise a person reporting the health hazard to notify the appropriate authority, and may also notify the other department or agency directly about the health hazard if the medical officer considers it advisable to do so.
- (2) At the request of a government department or agency that is responsible for a health hazard, a medical officer may advise or consult with the department or agency about the health hazard.

Signage

- 13 (1)** A person must not interfere with or obstruct a medical officer or their delegate in displaying or requiring the display of signage on a premises in accordance with an order made under clause 21(2)(c) or 24(4)(a) of the Act.
- (2) A person must not remove, conceal or mutilate signage without authority from a medical officer.
- (3) If signage is removed, concealed or mutilated without authority from a medical officer, the occupant or owner of the premises where the signage was displayed must notify a medical officer without delay.

N.S. Reg. 199/2005
Confidentiality Regulations

Schedule "E"

**Regulations Respecting Confidentiality Requirements
made by the Governor in Council pursuant to Section 74 of
Chapter 4 of the Acts of 2004, the *Health Protection Act***

Citation

1 These regulations may be cited as the *Confidentiality Regulations*.

Definitions

2 In these regulations,

- (a) "Act" means the *Health Protection Act*;
- (b) "business information" means information about an identifiable business, including
 - (i) the business's name, address and telephone number,
 - (ii) investigation, inspection, examination, test or analysis results with respect to a health hazard or communicable disease related to the business, and
 - (iii) proprietary or confidential business information;
- (c) "personal information" means information about an identifiable individual, including
 - (i) the individual's name, address and telephone number,
 - (ii) the individual's race, national or ethnic origin, colour and religious or political beliefs or associations,
 - (iii) the individual's age, sex, sexual orientation, marital status and family status,
 - (iv) an identifying number, symbol or other particular assigned to the individual,
 - (v) the individual's fingerprints, blood type and inheritable characteristics,
 - (vi) information about the individual's health-care history, including a physical or mental disability,
 - (vii) information about the individual's educational, financial, criminal or employment history,
 - (viii) anyone's opinions about the individual, and
 - (ix) the individual's personal views or opinions, except if they are about someone else.

Security of information

- 3 Personal information or business information that is accessed by a medical officer under Section 15 or 16 of the Act or the regulations or is otherwise received by a medical officer must be kept in a secure location that is accessible only by a medical officer or staff authorized by a medical officer.

Sharing information

- 4 If the Chief Medical Officer discloses personal information or business information to another jurisdiction or party under subsection 15(2) of the Act, the Chief Medical Officer must enter into an agreement with the jurisdiction or party to ensure that they will not disclose the personal information or business information to any other jurisdiction or party without the consent of the Chief Medical Officer.

N.S. Reg. 202/2005 to 206/2005

Made: October 14, 2005

Filed: October 14, 2005

Municipal Boards of Health Regulations respecting eating establishments, foodshops, bakeries and the manufacture of bakery products, sale of meat, fish and other foods and inspection, sale and vending of foodstuffs, Eating Establishments Regulations, Counter Freezers Regulations, Vending Machines Regulations and Food Safety Regulations

Order in Council 2005-458 dated October 14, 2005
Repeal of regulations and regulations made by the Governor in Council pursuant to Section 105 of the *Health Protection Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated June 20, 2005, and pursuant to Section 105 of Chapter 4 of the Acts of 2004, the *Health Protection Act*, is pleased, effective on and after November 1, 2005, to

- (a) repeal all regulations made under Chapter 195 of the Revised Statutes of Nova Scotia, 1989, the *Health Act*, by municipal boards of health respecting eating establishments, foodshops, bakeries and the manufacture of bakery products, the sale of meat, fish and other foods and the inspection, sale and vending of foodstuffs, including those listed in Schedule "A" attached to and forming part of the report and recommendation;
- (b) repeal the regulations respecting eating establishments, N.S. Reg. 72/78, made by the Minister of Health and approved by Governor in Council by Order in Council 78-337 dated April 4, 1978; **[N.S. Reg. 203/2005]**
- (c) repeal the regulations respecting counter freezers, N.S. Reg. 17/53, made by the Minister of Agriculture by Ministerial Order dated January 19, 1953; **[N.S. Reg. 204/2005]**
- (d) repeal the regulations respecting vending machines, N.S. Reg. 72/75, made by the Minister of Public Health and approved by Governor in Council by Order in Council 75-440 dated April 17, 1975; and **[N.S. Reg. 205/2005]**
- (e) make new regulations respecting food safety in the form set forth in Schedule "B" attached to and forming part of the report and recommendation.

N.S. Reg. 202/2005

Municipal Boards of Health Regulations

Schedule "A"
Board of Health Regulations to be Repealed**Town of Amherst**

- 1) Regulations Respecting Eating Establishments, N.S. Reg. 171/92, made by the Board of Health for the Town of Amherst and approved by Order in Council 92-790 dated August 12, 1992;
- 2) Regulations Respecting Foodshops, N.S. Reg. 113/86, made by the Board of Health for the Town of Amherst and approved by Order in Council 86-582 dated May 27, 1986;

County of Annapolis

- 3) Regulations Respecting Foodshops, N.S. Reg. 49/87, made by the Board of Health for the Municipality of the County of Annapolis and approved by Order in Council 87-314 dated March 17, 1987;

County of Antigonish

- 4) Regulations Respecting Foodshops, N.S. Reg. 244/85, made by the Board of Health for the Municipality of the County of Antigonish and approved by Order in Council 85-1456 dated December 23, 1985;

Town of Antigonish

- 5) Regulations Respecting Foodshops, N.S. Reg. 130/84, made by the Board of Health for the Town of Antigonish and approved by Order in Council 84-772 dated July 3, 1984;

District of Argyle

- 6) Regulations Respecting Eating Establishments, N.S. Reg. 235/90, made by the Board of Health for the Municipality of the District of Argyle and approved by Order in Council 90-1015 dated August 21, 1990;

District of Barrington

- 7) Regulations Respecting Eating Establishments, N.S. Reg. 237/90, made by the Board of Health for the Municipality of the District of Barrington and approved by Order in Council 90-1017 dated August 21, 1990;

Town of Bedford

- 8) Regulations Respecting Bakeries and the Manufacture of Bakery Products, N.S. Reg. 245/83, made by the Board of Health for the Town of Bedford and approved by Order in Council 83-1320 dated November 15, 1983;
- 9) Regulations Respecting Foodshops, N.S. Reg. 248/83, made by the Board of Health for the Town of Bedford and approved by Order in Council 83-1323 dated November 15, 1983;

Town of Bridgewater

- 10) Regulations Respecting Eating Establishments, made by the Board of Health for the Town of Bridgewater and approved by Order in Council dated February 21, 1966;
- 11) Regulations Respecting Retail Foodshops, N.S. Reg. 17/94, made by the Board of Health for the Town of Bridgewater and approved by Order in Council 94-72 dated January 25, 1994;

Town of Canso

- 12) Regulations Respecting Foodshops, N.S. Reg. 28/89, made by the Board of Health for the Town of Canso and approved by Order in Council 89-273 dated March 14, 1989;

County of Cape Breton

- 13) Regulations Respecting Foodshops, N.S. Reg. 161/92, made by the Board of Health for the Municipality of the County of Cape Breton and approved by Order in Council 92-737 dated July 28, 1992;

County of Colchester

- 14) Regulations Respecting Eating Establishments, N.S. Reg. 129/91, made by the Board of Health for the Municipality of the County of Colchester and approved by Order in Council 91-655 dated June 4, 1991;
- 15) Regulations Respecting Foodshops, N.S. Reg. 243/85, made by the Board of Health for the Municipality of the County of Colchester and approved by Order in Council 85-1455 dated December 23, 1985;

County of Cumberland

- 16) Regulations Respecting Foodshops, N.S. Reg. 35/85, made by the Board of Health for the Municipality of the County of Cumberland and approved by Order in Council 85-167 dated February 26, 1985;

City of Dartmouth

- 17) Regulations Respecting Eating Establishments, made by the Board of Health for the City of Dartmouth and approved by Order in Council 74-1328 dated December 10, 1974;
- 18) Regulations Respecting the Sale of Foodstuffs, made by the Board of Health for the City of Dartmouth and approved by Order in Council 74-1327 dated December 10, 1974;
- 19) Regulations Respecting the Sale of Foodstuffs from Mobile Stores, made by the Board of Health for the City of Dartmouth and approved by Order in Council 74-1329 dated December 10, 1974;
- 20) Regulations Respecting the Sale of Meat, N.S. Reg. 92/77, made by the Board of Health for the City of Dartmouth and approved by Order in Council 77-1065 dated August 30, 1977;

Town of Digby

- 21) Regulations Respecting Eating Establishments, N.S. Reg. 272/90, made by the Board of Health for the Town of Digby and approved by Order in Council 90-1252 dated October 23, 1990;

District of East Hants

- 22) Regulations Respecting Foodshops, N.S. Reg. 131/91, made by the Board of Health for the Municipality of the District of East Hants and approved by Order in Council 91-658 dated June 4, 1991;

Town of Glace Bay

- 23) Regulations Respecting Foodshops, N.S. Reg. 130/86, made by the Board of Health for the Town of Glace Bay and approved by Order in Council 86-667 dated June 17, 1986;

District of Guysborough

- 24) Regulations Respecting Eating Establishments, N.S. Reg. 44/93, made by the Board of Health for the Municipality of the District of Guysborough and approved by Order in Council 93-212 dated March 2, 1993;
- 25) Regulations Respecting the Inspection and Sale of Foodstuffs, N.S. Reg. 235/82, made by the Board of Health for the Municipality of the District of Guysborough and approved by Order in Council 82-1408 dated November 23, 1982;

City of Halifax

- 26) Regulations Respecting Bakeries and the Manufacture of Bakery Products, N.S. Reg. 175/2003, made by the Board of Health for the City of Halifax and approved by Order in Council 80-248 dated February 26, 1980;
- 27) Regulations Respecting Eating Establishments, made by the Board of Health for the City of Halifax and approved by Order in Council 75-439 dated April 17, 1975;
- 28) Regulations Respecting the Sale of Foodstuffs, N.S. Reg. 165/85, made by the Board of Health for the City of Halifax and approved by Order in Council 85-1080 dated October 8, 1985;
- 29) Regulations Respecting the Vending of Foodstuffs From Stands on the Public Streets, N.S. Reg. 63/89, made by the Board of Health for the City of Halifax and approved by Order in Council 89-513 dated May 2, 1989;

County of Halifax

- 30) Regulations Respecting the Sale of Foodstuffs from Stationary and Mobile Foodshops, N.S. Reg. 162/92, made by the Board of Health for the Municipality of the County of Halifax and approved by Order in Council 92-738 dated July 28, 1992;

Town of Kentville

- 31) Regulations Respecting Foodshops, N.S. Reg. 201/90, made by the Board of Health for the Town of Kentville and approved by Order in Council 90-875 dated July 17, 1990;

Town of Liverpool

- 32) Regulations Respecting Retail Foodshops, N.S. Reg. 15/94, made by the Board of Health for the Town of Liverpool and approved by Order in Council 94-70 dated January 25, 1994;

District of Lunenburg

- 33) Regulations Respecting Retail Foodshops, N.S. Reg. 91/94, made by the Board of Health for the Municipality of the District of Lunenburg and approved by Order in Council 94-472 dated May 31, 1994;
- 34) Regulations Respecting Street Vending of Meat and Fish From Vehicles, made by the Board of Health for the Municipality of the District of Lunenburg and approved by Order in Council 68-176 dated March 19, 1968;

Town of Mahone Bay

- 35) Regulations Respecting Retail Foodshops, N.S. Reg. 16/94, made by the Board of Health for the Town of Mahone Bay and approved by Order in Council 94-71 dated January 25, 1994;

Town of Middleton

- 36) Regulations Respecting Foodshops, N.S. Reg. 242/85, made by the Board of Health for the Town of Middleton and approved by Order in Council 85-1454 dated December 23, 1985;

Town of Mulgrave

- 37) Regulations Respecting Eating Establishments, N.S. Reg. 47/93, made by the Board of Health for the Town of Mulgrave and approved by Order in Council 93-215 dated March 2, 1993;
- 38) Regulations Respecting Foodshops, N.S. Reg. 3/90, made by the Board of Health for the Town of Mulgrave and approved by Order in Council 89-1458 dated December 19, 1989;

Town of New Glasgow

- 39) Regulations Respecting Eating Establishments, N.S. Reg. 46/93, made by the Board of Health for the Town of New Glasgow and approved by Order in Council 93-214 dated March 19, 1993;
- 40) Regulations Respecting Foodshops, N.S. Reg. 97-87 [97/87], made by the Board of Health for the Town of New Glasgow and approved by Order in Council 87-565 dated May 5, 1987;

Town of New Waterford

- 41) Regulations Respecting Foodshops, N.S. Reg. 45-86 [45/86], made by the Board of Health for the Town of New Waterford and approved by Order in Council 86-277 dated March 18, 1986;

Town of North Sydney

- 42) Regulations Respecting Foodshops, N.S. Reg. 104/90, made by the Board of Health for the Town of North Sydney and approved by Order in Council 90-354 dated March 27, 1990;

Town of Oxford

- 43) Regulations Respecting Eating Establishments, N.S. Reg. 135/91, made by the Board of Health for the Town of Oxford and approved by Order in Council 91-662 dated June 4, 1991;
- 44) Regulations Respecting Foodshops, N.S. Reg. 158/84, made by the Board of Health for the Town of Oxford and approved by Order in Council 84-902 dated July 31, 1984;

Town of Parrsboro

- 45) Regulations Respecting Eating Establishments, N.S. Reg. 130/91, made by the Board of Health for the Town of Parrsboro and approved by Order in Council 91-656 dated June 4, 1991;
- 46) Regulations Respecting Foodshops, N.S. Reg. 131/84, made by the Board of Health for the Town of Parrsboro and approved by Order in Council 84-773 dated July 31, 1984;

County of Pictou

- 47) Regulations Respecting Eating Establishments, N.S. Reg. 43/93, made by the Board of Health for the Municipality of the County of Pictou and approved by Order in Council 93-211 dated March 2, 1993;
- 48) Regulations Respecting Foodshops, N.S. Reg. 229/88, made by the Board of Health for the Municipality of the County of Pictou and approved by Order in Council 88-1244 dated November 16, 1988;

Town of Pictou

- 49) Regulations Respecting Eating Establishments, N.S. Reg. 48/93, made by the Board of Health for the Town of Pictou and approved by Order in Council 93-216 dated March 2, 1993;
- 50) Regulations Respecting Foodshops, N.S. Reg. 230/88, made by the Board of Health for the Town of Pictou and approved by Order in Council 88-1245 dated November 16, 1988;

County of Queens

- 51) Regulations Respecting Retail Foodshops, N.S. Reg. 109/93, made by the Board of Health for the Municipality of the County of Queens and approved by Order in Council 93-677 dated August 26, 1993;
- 52) Regulations Respecting the Sale of Meat, Fish and Other Foods, made by the Board of Health for the Municipality of the County of Queens and approved by Order in Council 68-540 dated July 9, 1968;

- 53) Regulations Respecting the Street Vending of Meat and Fish from Vehicles, made by the Board of Health for the Municipality of the County of Queens and approved by Order in Council 69-571 dated June 24, 1969;

County of Richmond

- 54) Regulations Respecting Foodshops, N.S. Reg. 5/86, made by the Board of Health for the Municipality of the County of Richmond and approved by Order in Council 86-25 dated January 14, 1986;

District of St. Mary's

- 55) Regulations Respecting Eating Establishments, N.S. Reg. 45/93, made by the Board of Health for the Municipality of the District of St. Mary's and approved by Order in Council 93-213 dated March 2, 1993;
- 56) Regulations Respecting Foodshops, N.S. Reg. 3/86, made by the Board of Health for the Municipality of the District of St. Mary's and approved by Order in Council 86-23 dated January 14, 1986;

District of Shelburne

- 57) Regulations Respecting Eating Establishments, N.S. Reg. 273/90, made by the Board of Health for the Municipality of the District of Shelburne and approved by Order in Council 90-1253 dated October 23, 1990;

Town of Shelburne

- 58) Regulations Respecting Eating Establishments, N.S. Reg. 105/90, made by the Board of Health for the Town of Shelburne and approved by Order in Council 90-355 dated March 27, 1990;

Town of Springhill

- 59) Regulations Respecting Foodshops, N.S. Reg. 29/86, made by the Board of Health for the Town of Springhill and approved by Order in Council 86-162 dated February 18, 1986;

Town of Stellarton

- 60) Regulations Respecting Foodshops, N.S. Reg. 4/90, made by the Board of Health for the Town of Stellarton and approved by Order in Council 89-1459 dated December 19, 1989;

Town of Stewiacke

- 61) Regulations Respecting Foodshops, N.S. Reg. 157/84, made by the Board of Health for the Town of Stewiacke and approved by Order in Council 84-901 dated July 31, 1984;

City of Sydney

- 62) Regulations Respecting Eating Establishments, made by the Board of Health for the City of Sydney and approved by Order in Council 71-270 dated March 23, 1971;
- 63) Regulations Respecting Foodshops, N.S. Reg. 202/90, made by the Board of Health for the City of Sydney and approved by Order in Council 90-876 dated July 17, 1990;

Town of Sydney Mines

- 64) Regulations Respecting Foodshops, N.S. Reg. 4/86, made by the Board of Health for the Town of Sydney Mines and approved by Order in Council 86-24 dated January 14, 1986;

Town of Trenton

- 65) Regulations Respecting Eating Establishments, N.S. Reg. 97/93, made by the Board of Health for the Town of Trenton and approved by Order in Council 93-568 dated July 20, 1993;

- 66) Regulations Respecting Foodshops, N.S. Reg. 106/88, made by the Board of Health for the Town of Trenton and approved by Order in Council 88-487 dated May 10, 1988;

Town of Truro

- 67) Regulations Respecting Foodshops, N.S. Reg. 32/87, made by the Board of Health for the Town of Truro and approved by Order in Council 87-178 dated February 10, 1987;

County of Victoria

- 68) Regulations Respecting Foodshops, N.S. Reg. 5/90, made by the Board of Health for the Municipality of the County of Victoria and approved by Order in Council 89-1460 dated December 19, 1989;

District of West Hants

- 69) Regulations Respecting Foodshops, N.S. Reg. 6/90, made by the Board of Health for the Municipality of the District of West Hants and approved by Order in Council 89-1461 dated December 19, 1989;

Town of Westville

- 70) Regulations Respecting Foodshops, N.S. Reg. 126/87, made by the Board of Health for the Town of Westville and approved by Order in Council 87-809 dated July 7, 1987;

Town of Wolfville

- 71) Regulations Respecting the Sale of Foodstuffs, made by the Board of Health for the Town of Wolfville and approved by Order in Council 71-509 dated June 1, 1971; and

District of Yarmouth

- 72) Regulations Respecting Eating Establishments, N.S. Reg. 236/90, made by the Board of Health for the Municipality of the District of Yarmouth and approved by Order in Council 90-1016 dated August 21, 1990.

N.S. Reg. 206/2005

Food Safety Regulations

Schedule "B"

**Regulations Respecting the Inspection of Food Establishments
made by the Governor in Council pursuant to
Section 105 of Chapter 4 of the Acts of 2004,
the *Health Protection Act***

Interpretation and Application**Citation**

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

Definitions

- 2 In these regulations,

- (a) "Act" means the *Health Protection Act*;
- (b) "adulteration" means the addition of any foreign or inferior substances to a food or food ingredient that makes it corrupt, debase, or impure;

- (c) “consultant inspection services” means inspections that are conducted by the Department on the request of an operator;
- (d) “contamination” means exposure of food to conditions that permit or may permit the introduction or the occurrence of any of the following:
 - (i) a disease-causing microorganism or parasite,
 - (ii) any biological or chemical agent,
 - (iii) foreign matter, residue, drugs or any other substance that may compromise food safety;
- (e) “Department” means the Department of Agriculture and Fisheries;
- (f) “edible” means fit for human consumption regardless of whether the food requires preparation before being eaten or is ready to eat;
- (g) “food additive” has the same meaning as in Part B of the *Food and Drug Regulations* (Canada);
- (h) “food animal” means a ruminant, porcine, ratite or a domesticated rabbit, bird or other animal whose meat is intended for human consumption;
- (i) “food hygiene” means all conditions and measures necessary to ensure food is safe and edible;
- (j) “HST” means harmonized sales tax;
- (k) “inspected” means inspected by the Government of Canada, the Province, any other province or territory or an official agency of those government under whose authority food safety standards are established or enforced;
- (l) “notifiable disease or condition” means a notifiable disease or condition as defined in Part 1 of the Act;
- (m) “official tag” means a tag applied to food to indicate that the food has been held, detained or condemned by an inspector;
- (n) “operator” means a person who holds a permit to operate a food establishment;
- (o) “potentially hazardous” means having the potential to support the growth of pathogenic microorganisms or the production of toxins;
- (p) “product” means a food product that is processed or derived in whole or in part from a specified food and that is intended for human consumption;
- (q) “process” means to substantially change or alter the appearance or nature of a food, to combine with an ingredient or additive or to make foods ready-to-eat;
- (r) “ready-to-eat food” means a food that is
 - (i) normally consumed without washing, cooking or other preparation, or

- (ii) prepared into a form in which it is consumed without further processing;
- (s) “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;
- (t) “wildlife” means wildlife as defined in the *Wildlife Act*.

Application of regulations

3 (1) These regulations apply to all food establishments except for all of the following:

- (a) a dwelling in which food is produced that
 - (i) does not contain meat, fish, dairy or egg ingredients, and
 - (ii) has a low moisture or high sugar or salt content that inhibits the growth of micro-organisms and toxin production;
- (b) a premise that offers only fresh, whole, unprocessed fruit and vegetables;
- (c) a premise that offers only food that is prepackaged at another location and is not potentially hazardous;
- (d) a roofed accommodation, as defined in the *Tourist Accommodations Act*, with a maximum of 4 rental units in which the owner or manager serves only breakfast to guests occupying the units, as designated in the bed and breakfast category of the *Nova Scotia Department of Tourism and Culture Guidelines on Accommodation*, published by the Department of Tourism, Culture and Heritage;
- (e) a food establishment in which food is prepared and served by a religious or not-for-profit organization for functions or gatherings, but these regulations do apply if a function or gathering is held in conjunction with and at the site of a fair, exhibition, festival or other temporary food service event;
- (f) a meat plant or meat processing plant that is registered and operated under, or exempted from the requirements, of the *Meat Inspection Act*, the *Meat Inspection Act (Canada)* or the *Food and Drugs Act (Canada)*;
- (g) a part of a fish or fish products processing facility that is registered, licensed and operated under the *Fisheries and Coastal Resources Act* and the *Fish Inspection Regulations* made under that Act;
- (h) a part of a food processing plant that manufactures, packages, labels or stores food and
 - (i) does not provide food directly to the consumer, or
 - (ii) is registered under the *Food and Drugs Act (Canada)*;
- (i) a premise that is operated solely for the purposes of cutting, processing or packaging of wildlife;

- (j) a day care facility, child caring facility, nursing home or residential care facility licensed through the Department of Health or the Department of Community Services that is exempted by the Administrator;
 - (k) a facility licensed by the Department of Tourism, Culture and Heritage to serve meals that is exempted by the Administrator.
- (2) Despite clause 3(1)(d), an owner or manager of a bed and breakfast, as designated in the bed and breakfast category of the *Nova Scotia Department of Tourism and Culture Guidelines on Accommodation* category definitions, must comply with the food hygiene training requirements in Section 28.
- (3) The Administrator may exempt an operator who holds a permit for a type or class of food establishment from any provision of these regulations.

Codes of practice established by Administrator

- 4 (1) The Administrator may establish codes, standards and guidelines to support and give direction to food establishments in interpreting and complying with these regulations.
- (2) If there is a conflict between a code, standard or guideline established under this Section and the provisions of the Act and these regulations, the Act and these regulations prevail.

Food Establishment Permits and Inspections

Class of permits

- 5 Classes of food establishment permits, the expiry dates for food establishment permits and the fees prescribed for food establishment permits are as set out in the following table:

Class of permit	Term of permit	Fee for permit (plus HST)
temporary event permit	1 day	\$10.00
temporary event permit	2 days or longer	\$21.00
seasonal permit	4 months or less	\$32.00
foodshop permit	1 year	\$53.00
eating establishment permit	1 year	\$80.00

Application for permit

- 6 A person must submit an application for a permit to the Administrator in a form prescribed by the Administrator and the application must include all of the following:
- (a) the applicable fee prescribed in Section 5;
 - (b) any reasonable information required by the Administrator;
 - (c) the plans and specifications of the food establishment required by Section 21.

Permit non transferable

- 7 A permit is not transferable to any other person or to any other food establishment.

Form and posting of permit

- 8** (1) A permit must be in the form prescribed by the Administrator.
- (2) A permit must be posted in a conspicuous location in the food establishment.

Renewal of permit

- 9** (1) An operator may renew a permit, other than a temporary permit, on or before the expiry date by submitting a completed renewal application to the Department on a form approved by the Administrator together with all of the following:
- (a) the applicable fee prescribed in Section 5;
 - (b) any reasonable information required by the Administrator;
 - (c) the plans and specifications of the food establishment under Section 21.
- (2) An operator who renews their permit later than 30 days after the permit's expiry date must pay a late fee of \$25.00 plus HST in addition to the fee required by Section 5.

Non-issuance of permit

- 10** If the Administrator refuses to issue or renew a permit under subsection 83(1) of the Act, the refusal remains in effect until the Administrator is satisfied that the applicant is capable of operating a food establishment in accordance with these regulations.

Suspension or revocation

- 11** (1) If the Administrator suspends or cancels a permit under subsection 83(1) of the Act, the Administrator
- (a) must provide written notice of the suspension or cancellation to the permit holder; and
 - (b) may serve a notice of closure on the operator and post a copy of the notice in a conspicuous place in the food establishment.
- (2) An operator who receives a notice of the suspension or the cancellation of their permit must
- (a) cease operation of the food establishment immediately; and
 - (b) close the food establishment and not reopen it until authorized by the Administrator.
- (3) A person must not remove a notice that has been posted under clause (1)(b) unless authorized to do so by the Administrator.

Appeal to Minister about food establishment permit decision

- 12** (1) A permit holder who appeals a decision of the Administrator under Section 85 of the Act must serve the Administrator with a notice of appeal accompanied by a non-refundable fee of \$200.00 no later than 30 days after the date they are advised of the Administrator's decision.
- (2) The Administrator must send a copy of the notice of appeal to the chair of the appeal panel established under Section 13 no later than 5 days after the date the Administrator receives a notice of appeal.

Appeal panel

- 13 (1) The Minister may establish an appeal panel to review appeals and make recommendations to the Minister on an appeal.
- (2) The appeal panel must be made up of at least 3 persons, 1 of whom is a medical officer, 1 of whom is a person representing the food industry, and 1 of whom is a person representing consumers.
- (3) The appeal panel must appoint a chair and must determine its own practices and procedures.
- (4) The quorum for the appeal panel is 1 person.

Review by appeal panel and recommendations to Minister

- 14 The appeal panel must review an appeal and make a recommendation to the Minister about the appeal no later than 10 days after the date the appeal panel receives a copy of the notice of appeal.

Decision of appeal

- 15 The Minister must decide an appeal no later than 10 days after the date that the Minister receives the recommendations of the appeal panel.

Complying with inspector

- 16 (1) An operator must comply with all reasonable directions given by an inspector under the Act and these regulations.
- (2) A person must not remove or alter an official tag unless directed to do so by the inspector.
- (3) A food that has an official tag and is detained on the instruction of an inspector must not be handled or used without permission of an inspector.

Inspection services

- 17 (1) The Administrator may establish the frequency of inspections.
- (2) The fee for consultant inspection services is \$100.00 per hour plus expenses.

Inspection reports available

- 18 The Department must make inspection reports available in electronic form for public review through a process consistent with Department's *Routine Access Policy*.

Design and Construction of Food Establishments and Equipment**Design and construction**

- 19 (1) A food establishment must be located, designed, constructed and maintained to ensure all of the following:
- (a) that the risk of contaminating the food is minimized;
- (b) that operations are carried out in an area of the food establishment that is sanitized and appropriate to the operation;
- (c) that the surfaces and materials are durable, non-toxic and are easy to maintain, clean and sanitize;

- (d) [that] the design and layout allows for appropriate maintenance, cleaning, sanitizing, movement of food, personnel and protection against contamination;
 - (e) that there is effective protection to prevent the access and sheltering of insects, rodents and other pests.
- (2) A food establishment must provide all of the following:
- (a) a supply of potable hot and cold water at adequate pressure and volume with the appropriate facilities to store and distribute the water and to control the water temperature;
 - (b) adequately designed and appropriately located hand-washing facilities;
 - (c) change rooms and lunch rooms, if appropriate;
 - (d) drainage and waste disposal systems that are adequate for the removal of solid and liquid wastes;
 - (e) storage facilities that are adequate to store foods, ingredients, non-food products and chemicals.
- (3) A food establishment must have lighting, ventilation, heating, refrigeration and plumbing that is adequate and appropriate to the specific activities of the food establishment.

Washroom facilities

- 20 (1) A food establishment must have washroom facilities for staff and washroom facilities for the public available in a convenient location, unless exempted by the Administrator.
- (2) A washroom facility must be constructed, equipped, and designed in accordance with the *Nova Scotia Building Code*.
- (3) If an inspector gives written approval, the same washroom facilities may be used for both staff and the public.

Construction or renovation of food establishment

- 21 A person must not begin to construct a new food establishment or renovate or expand an existing food establishment until construction plans and specifications are submitted to and approved by an inspector.

Living and sleeping quarters

- 22 All living and sleeping quarters that are located in the same building as a food establishment, such as in a dwelling, must be separated from rooms and areas used for the food establishment's operations by floor-to-ceiling partitioning and solid self-closing doors.

Design, construction, installation and maintenance of equipment

- 23 (1) Equipment and utensils used to process, prepare, store, serve, sell or display food must be designed, constructed, installed and maintained to
- (a) protect food from contamination; and
 - (b) allow adequate cleaning, sanitizing and maintenance.
- (2) Equipment used to cook, heat-treat, cool, store, display or freeze food must be designed to

- (a) achieve the required food temperature as rapidly as is necessary to maintain food safety; and
 - (b) control temperature, humidity, air flow and any other condition that is likely to have a detrimental effect on food safety.
- (3) The equipment referred to in subsections (1) and (2) must be made of materials that are non-toxic to food.

Equipment for waste and recyclables

- 24 (1) Food establishments must provide equipment or containers to hold and handle liquid and solid wastes and recyclables.
- (2) Equipment or containers used for wastes and recyclables must be clearly identified or labelled and used exclusively for that purpose.

Food Establishment Personnel

Illness of personnel

- 25 (1) A member of the personnel of a food establishment must report an illness or condition to the operator if they have been diagnosed with or believe or should reasonably suspect that they are infected with a notifiable disease or condition that is transmissible through food must report the illness or condition to the operator. [*sic*]
- (2) The operator must exclude or restrict any personnel who has notified them, or who is reasonably suspected of having a notifiable disease, from activities in accordance with Section 92 of the Act.
- (3) A medical officer may remove an exclusion or restriction imposed under subsection (2).

Notification of medical officer

- 26 An operator must notify a medical officer if any personnel meet any of the following:
- (a) the person has been diagnosed with a notifiable disease or condition transmissible by food;
 - (b) the person is known or suspected of being infected with a notifiable disease or condition transmissible by food;
 - (c) the person has notified the operator under subsection 25(1).

Personnel policies and procedures

- 27 A food establishment must develop and demonstrate policies and procedures for personnel that ensure that a person entering a food handling area or engaging in an operation in a food establishment who comes into contact with food meets all of the following:
- (a) the person is clean and sanitary and shows good personal hygiene;
 - (b) the person wears sanitary clothing and footwear;
 - (c) the person takes adequate measures to prevent food from being contaminated by hair;
 - (d) the person washes their hands as often as is necessary to prevent contamination of food;

- (e) the person removes any object or substance from their body that might fall into or otherwise contaminate food;
- (f) the person refrains from any behaviour or practice that risks contaminating food.

Food hygiene training

- 28** (1) An operator must successfully complete a food hygiene training program recognized by the Administrator and provide proof of this to the Administrator upon request.
- (2) If an operator is absent from a food establishment, the operator must ensure that a member of the personnel who has successfully completed a food hygiene training program recognized by the Administrator is present.
- (3) A person in a food establishment who comes into contact with food must
- (a) be trained or instructed in food hygiene to a level appropriate to the activity that the person performs; and
 - (b) provide confirmation of their training to an inspector on request.

Controlling Hazards to Food Safety**Maintenance, cleaning, and sanitation programs**

- 29** (1) A food establishment must have an appropriate program to address maintenance, cleaning and sanitation to control the risk of contamination of food, equipment, utensils and other facilities in the food establishment.
- (2) A maintenance, cleaning and sanitation program must result in all of the following:
- (a) adequate maintenance;
 - (b) adequate cleaning and sanitizing of the food establishment and equipment;
 - (c) adequate monitoring of the effectiveness of the program;
 - (d) adequate management of all waste streams in and surrounding the food establishment;
 - (e) effective control of insects, rodents, and other pests.
- (3) A food establishment must provide appropriate facilities and equipment to implement the maintenance, cleaning and sanitation program and must identify in their program the cleaning and sanitizing agents used in the food establishment, including their concentration and uses.

Source and types of food

- 30** An operator must ensure that all food in their food establishment is obtained from a source that is subject to inspection or is food that is exempted by these regulations.

Control of meat

- 31** (1) Uninspected meats and meat products are not permitted in a food establishment.

- (2) If an operator who holds a permit is exempt from subsection (1) by the Administrator under subsection 3(3), an operator may have wildlife carcasses in a food establishment for the purpose of processing the meat from the wildlife carcass if all of the following conditions are met:
- (a) the wildlife carcass is clean, edible and will not contaminate other food, equipment or facilities;
 - (b) the wildlife carcass, or any part of it, is
 - (i) stored and processed so that it does not come into direct contact with other food; and
 - (ii) not processed in the same room of the food establishment at the same time as food that has been inspected or processed in accordance with these regulations;
 - (c) after the wildlife carcass is processed, all equipment is sanitized before being used for processing inspected meat;
 - (d) the operator keeps a record, in a manner prescribed by the Administrator, of every wildlife carcass received by the food establishment;
 - (e) the operator provides a record kept under clause (d) to an inspector or a conservation officer appointed under the *Wildlife Act* on their request.

Processing of meat and meat products

32 An operator that processes meat or meat products must ensure that all of the following are complied with:

- (a) the meat or meat products conform to the standards prescribed by the *Food and Drugs Act* (Canada), the *Meat Inspection Act* (Canada) and the *Meat Inspection Act* (Nova Scotia);
- (b) ready-to-eat meat products are processed so that they are not contaminated; and
- (c) a meat or meat product that is returned to a food establishment is not repackaged, reprocessed or sold unless it is reinspected and approved by an inspector.

Food temperature controls

33 (1) An operator must ensure that the temperature of food is controlled so that the food does not deteriorate or become inedible or unsafe.

- (2) The operator must ensure that all refrigeration and heat-holding equipment has a temperature measuring device that is accurate and in good repair.

Care of food and food ingredients

34 An operator must ensure that a food establishment is operated so that all food and food ingredients are

- (a) processed, manufactured, handled, prepared, packaged, served, sold, offered for sale or distribution free of charge, dispensed, displayed and stored in a manner that prevents contamination and adulteration; and
- (b) labelled to indicate the contents, its composition, and directions for use.

Quality assurance systems

- 35 (1) If directed by the Administrator, a food establishment must have a quality assurance system in place that identifies, implements, monitors and verifies critical factors in the processing and preparation of food and that effectively prevents contamination or adulteration of food and ensures food safety.
- (2) A quality assurance system must do all of the following:
- (a) provide mechanisms to identify specific ingredients or food additives and the amounts used in a food;
 - (b) provide mechanisms to control the addition of food additives and nutrients to meet the requirements of the *Food and Drugs Act* (Canada);
 - (c) ensure that information on a food label is complete and accurately represents the food;
 - (d) ensure that controls are put in place to prevent food mislabelling.

Deviation or defect in quality assurance system

- 36 If directed by the Administrator, a food establishment must have procedures in place for when a deviation or defect that could affect food safety occurs in their quality assurance program
- (a) to identify and evaluate food safety;
 - (b) to isolate foods; and
 - (c) that set out corrective actions to be taken and ensure that changes are made to the quality assurance system.

Maintenance of quality assurance system records

- 37 (1) If directed by the Administrator, a food establishment must maintain records that demonstrate the quality assurance system used to ensure food safety in the processing or preparation of a food.
- (2) Records maintained under subsection (1) must be made available when requested by an inspector.

Serving and re-selling unused food

- 38 (1) A potentially hazardous food that is served or sold to a purchaser and is unused or returned by the purchaser must not be served again or resold.
- (2) A food may be served again or resold if it meets all of the following:
- (a) it is not potentially hazardous;
 - (b) it is individually packaged;
 - (c) it is unopened and in its original container.

Live animals not permitted in food establishments

- 39 (1) Except as provided in subsection (2), an operator must not permit any live animal to be in a food establishment.
- (2) An operator may permit the following live animals to be in a food establishment in the circumstances indicated:

- (a) a guide animal, if permitting the guide animal to enter does not pose a risk of contaminating the food; and
- (b) edible fish, crustaceans, shellfish or live fish in an aquarium.

Personal hygiene and smoking in food establishment

- 40 (1)** A person must not smoke or chew tobacco in an area of a food establishment where food is processed, prepared, labelled, packaged, stored or handled.
- (2)** A person who enters a food manufacturing, preparation, processing or handling area in a food establishment must be properly clothed and meet the personnel hygiene policies and procedures established under Section 27.

Handling food complaints about food safety

- 41** A food establishment must establish a system for effectively handling and investigating complaints about the safety of their food.

Testing, Inspection and Contaminated Food**Sampling and testing food**

- 42** The Administrator may require an operator to implement sampling and testing procedures to demonstrate any of the following:
- (a) that food is not contaminated;
 - (b) that an established procedure does not result in the adulteration of food; and
 - (c) that compositional standards set by government agencies and marketing boards are met.

Inspector detaining and condemning foods

- 43 (1)** An inspector who reasonably believes that a food in a food establishment is adulterated or contaminated must do one of the following:
- (a) detain the food and securely attach an official tag bearing the words "Nova Scotia Held";
 - (b) condemn the food and have it disposed of in a manner that is satisfactory to the Administrator.
- (2)** An inspector who detains a food may submit samples to a laboratory designated by the Administrator for testing.

Provision of samples to an inspector

- 44** At the request of an inspector, an operator of a food establishment must, without charge, provide the inspector with samples of a food, ingredient, food additive, container or packaging material used or to be used in the manufacturing, processing or preparation of food, for the purposes of laboratory examination.

Recall of food

- 45 (1)** If directed by the Administrator, an operator must establish
- (a) a written procedure that ensures the timely and complete recall of any lot of a food; and
 - (b) a food distribution record to enable the operator to recall any lot of a food.

- (2) Food returned to a food establishment as part of a recall, must be held for disposal under the direction and supervision of an inspector.

Contaminated or adulterated food

- 46 An operator must not sell, offer for sale, supply, prepare, process, package, display, serve, dispense or store food that is contaminated or adulterated.

Packaging, Storing and Transporting Food

Labelling and packaging food

- 47 (1) An operator must ensure that all food in their food establishment is
- (a) labelled in accordance with these regulations, the *Food and Drugs Act* (Canada) and the *Consumer Packaging and Labelling Act* (Canada); and
 - (b) labelled and identified as being from a source that is subject to inspection.
- (2) An operator must
- (a) provide adequate food safety information to enable the purchaser to handle, store, process, prepare or display the food safely; and
 - (b) ensure that refrigerated, prepared ready-to-eat food that may be held for longer than 24 hours is clearly marked at the time it is prepared to indicate the date by which the food must be consumed.
- (3) An operator must ensure that containers, materials, and procedures used for food packaging and labelling do all of the following:
- (a) prevent contamination of the food;
 - (b) provide an environment that adequately controls contamination;
 - (c) protect the food from damage likely to make the food inedible.

Storing and transporting food

- 48 (1) An operator must ensure that all food is stored and transported under conditions that do all of the following:
- (a) protect the food from contamination;
 - (b) provide an environment that adequately controls contamination;
 - (c) protect the food from damage likely to make the food inedible.
- (2) A conveyance or container used that is used to transport or store food must be designed, constructed and maintained so that they do all of the following:
- (a) provide the food with adequate protection from contamination;
 - (b) allow adequate cleaning and, if an inspector considers it necessary, sanitization;

- (c) adequately maintain temperatures, relative humidity and other conditions necessary to protect food from contamination as a result of harmful microbiological growth;
 - (d) permit the adequate separation of different foods from one another and from non-food items if necessary.
- (3) An operator must ensure that all food received at their food establishment is transported in accordance with subsections (1) and (2).

Storing food ingredients and food packaging

- 49 (1) An operator must ensure that food ingredients and food packaging materials must be stored in a dry storage room or designated area that
- (a) protects the food ingredient or food packaging material from contamination; and
 - (b) provides an environment that is dry and in which moisture and humidity are controlled.
- (2) Before being placed in the dry storage room or designated area, opened packages of food ingredients and food packaging materials must be
- (a) transferred to clean, suitably covered containers or be sealed and securely closed; and
 - (b) clearly identified as to content.

Storage of articles not used in food preparation or processing

- 50 An operator must ensure that articles, equipment or materials not associated with the processing or preparation of food are stored
- (a) separately from areas where food is processed or prepared; and
 - (b) in a manner that does not contaminate food or food preparation areas.

Transitional Provisions**Food establishment licenses continued**

- 51 A valid food establishment licence issued under the regulations respecting eating establishments, N.S. Reg. 72/78, or the regulations made by a Board of Health respecting food shops continues in force as if it were a permit issued under these regulations until March 31 immediately after the date these regulations come into force.

Delayed application of provisions

- 52 (1) The following provisions do not apply to a food establishment that did not require a food shop licence before these regulations come into force and is in operation on the date these regulations come into force, until 1 year after these regulations come into force:
- (a) clauses 19(1)(a) and (c);
 - (b) clauses 19(2)(b), (c), (d), and (e);
 - (c) Section 22.

- (2) The following provisions do not apply to a food establishment that is in operation on the date these regulations come into force, until the dates specified:
 - (a) Sections 35 and 36, 1 year after the date these regulations come into force;
 - (b) Section 28, 2 years after the date these regulations come into force.