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CHAPTER P-30

PUBLIC HEALTH ACT

EATING ESTABLISHMENTS AND LICENSED PREMISES REGULATIONS

Made by the Lieutenant Governor in Council and having effect pursuant to section 23 of the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30

1. In these regulations
- | | Definitions |
|---|----------------------|
| (a) "approved" means approved by the Director; | approved |
| (b) "Chief Health Officer" means a person appointed under the <i>Public Health Act</i> R.S.P.E.I. 1988, Cap. P-30; | Chief Health Officer |
| (c) "Director" means the Manager of the Division of Environmental Health, Provincial Program; | Director |
| (d) "disinfect" means to render free from pathogens; | disinfect |
| (e) "eating establishment" means any premises where ready-to-eat food is prepared for sale or sold to the public, and includes the following types of operations:
restaurants
lunch counters
snack bars
canteens (roadside)
canteens (recreation facilities, i.e. rinks, fairs, etc.)
cafeterias
banquet facilities
catering outlets and services
delicatessens
bakeries
vending outlets
take-out establishments; | eating establishment |
| (f) "employee" means a person who
(i) is employed in an eating establishment or licensed premises, or
(ii) handles or comes in contact with any utensil or product for human consumption during its preparation, service or storage; | employee |
| (g) "food" means food or drink, other than drugs or liquor, for human consumption; | food |

inspector	(h) “inspector” means a health officer appointed pursuant to section 2 of the Act;
licensed premises	(i) “licensed premises” means premises for which a license is issued under the <i>Liquor Control Act</i> R.S.P.E.I. 1988, Cap. L-14;
liquor	(j) “liquor” has the same meaning as in clause 1(k) of the <i>Liquor Control Act</i> ;
Minister	(k) “Minister” means the Minister of Health;
non-commercial activities	(k.1) “non-commercial activities” means activities which are, in the opinion of the Director, infrequent and pose minimal risk to the health of the public, and may include annual church suppers or picnics, annual pancake breakfasts, functions for members only and isolated events for public attendance;
operator	(l) “operator” means a person who by himself or his agent owns or operates an eating establishment or licensed premises and includes the person in charge during the absence of the operator or his agent;
sanitize	(m) “sanitize” means to clean and disinfect;
single service utensil	(n) “single service utensil” means any utensil which is intended for use only once by the operator in the storage, preparation or sale of the food or liquor;
utensil	(o) “utensil” means any article or any equipment used in the preparation, service or storage of food or liquor;
washroom	(p) “washroom” means a room equipped with a toilet and a wash basin. (EC16/79; 301/80; 353/01; 619/05)
Application	<p>1.1 These regulations apply to the following classes of eating establishments:</p> <p>(a) Type I Establishments - eating establishment premises with seating for 25 or more persons, which operate on a daily or weekly basis, including</p> <p style="padding-left: 20px;">(i) bars, lounges and banquet facilities such as lobster suppers, and</p> <p style="padding-left: 20px;">(ii) bakeries and delicatessens, food fair outlets and catering trucks and kitchens including sandwich distributors;</p> <p>(b) Type II Establishments - eating establishment premises with seating for fewer than 25 persons, such as lunch counters, snack bars and similar premises, including roadside and recreational canteens, home bakeries and food facilities, dairy bars and similar outlets, street vendor carts and convenience stores;</p> <p>(c) Type III Establishments - as determined at the discretion of the Director,</p>

- (i) premises such as churches, community halls and the premises of non-profit organizations and clubs, where the food service is part of a non-commercial activity, and
 - (ii) premises where local, minor sports tournaments, dance festivals or similar activities are held;
 - (d) Type IV Establishments - premises used to host special events or activities which may be held on a day-by-day basis or for extended periods, at which food is sold to the public, including exhibitions, fairs, tournaments and similar events; and
 - (e) Type V Establishments - premises used to host an activity on an ongoing basis in which food products are displayed and sold to the public at public events, including craft fairs, flea markets, farmers' markets and similar premises. (EC353/01)
2. A plan shall be submitted to and approved by the Director prior to the commencement of construction or renovation of any eating establishment or licensed premises. (EC16/79) Proposed plan

CONSTRUCTION OF EATING ESTABLISHMENTS AND LICENSED PREMISES

3. (1) Every eating establishment or licensed premises shall be so constructed and furnished as to ensure that Construction and furnishing
- (a) it is free from conditions that may
 - (i) be dangerous to health, or
 - (ii) injuriously affect the wholesomeness of the food or liquor prepared, served or stored therein;
 - (b) no sleeping quarters open directly into any room in which food or liquor is prepared;
 - (c) a separate room, compartment, locker or cupboard is provided for storing the wearing apparel of employees;
 - (d) floors and floor-coverings are free of cracks or crevices, smooth and non-absorbent, in rooms where
 - (i) food or liquor is prepared, served or stored,
 - (ii) utensils are washed,
 - (iii) washing and toilet facilities are located;
 - (e) the walls and ceilings of the rooms and passageways may be readily cleaned and the surface maintained in good condition;
 - (f) all rooms and passageways are adequately lighted and ventilated;
 - (g) all openings to the outside are screened or fitted with other devices to repel or prevent the entrance of flies, insects, rodents and vermin;
 - (h) no toilet room opens directly into any room used for the preparation or storage of food or liquor, and that toilet rooms are

fitted with full-length, self-closing doors and are mechanically ventilated to the outside.

- Flooring (2) Carpets are permitted in areas where food or liquor is served if
- (a) laid over a firm, sealed underflooring; and
 - (b) made of a material that can be cleaned by an approved method. (EC16/79)

EQUIPMENT OF EATING ESTABLISHMENTS AND LICENSED PREMISES

- Equipment 4. Any article or equipment used in the preparation, service, storage or display of food or liquor shall be of approved design and kept in good repair. (EC16/79)

- Facilities 5. Every eating establishment or licensed premises shall be provided with
- (a) an adequate supply of hot and cold potable water under pressure, the quality of which is satisfactory to the Chief Health Officer;
 - (b) dishwashing facilities as prescribed by these regulations;
 - (c) separate handwashing facilities for employees in a convenient location;
 - (d) toilets and washrooms as prescribed by these regulations;
 - (e) adequate refrigerated space for the safe storage of perishable foods at 4°C (40°F) and frozen perishable foods at -18°C (0°F) and equipped with accurate thermometers located in the warmest area of the refrigerator; and
 - (f) adequate facilities for maintaining hot perishable food at a temperature not less than 60°C (140°F) during holding periods. (EC16/70)

- Drinking fountain 6. When an eating establishment is equipped with a drinking fountain, the fountain shall be of sanitary design and construction. (EC16/79)

- Ice 7. Ice used in the preparation of food or liquor must be made from an approved water supply and the making, storage and dispensing of ice shall be carried out in such a manner as to prevent health hazards. (EC16/79)

- Shelves and racks 8. Suitable racks or shelves shall be provided for the storage of food and no food shall be stored on shelves or racks placed less than 15 centimeters (6 inches) above the floor. (EC16/79)

- Crockery 9. No cups, glasses or dishes which are chipped or cracked shall be used in the preparation, service or storage of food or liquor, and no utensil shall be used unless it may be effectively sanitized. (EC16/79)

INSTALLATION OF EQUIPMENT

10. All equipment, including controls for utilities and plumbing shall be installed Equipment installation

- (a) in such manner to prevent contamination from external sources;
- (b) to allow cleaning to remove potentially dangerous and odorous accumulation of food, grease or soil. (EC16/79)

11. Equipment that is not mobile shall be either sealed into the surface on which it stands or be mounted on legs, with a minimum clearance of 15 centimeters (6 inches) between the floor and the base of the equipment. (EC16/79) Permanent equipment installation

MAINTENANCE OF EATING ESTABLISHMENTS AND LICENSED PREMISES

12. Every eating establishment and licensed premises shall be cleaned in such manner and at such times as to prevent the contamination of food or liquor prepared, served or stored therein. (EC16/79) Premises hygiene

13. Refrigerators and storage rooms, including removable racks and trays, shall be thoroughly cleaned as often as is necessary to ensure safe, sanitary standards. (EC16/79) Refrigeration

14. Food and liquor shall be stored in such manner that odors and flavours are not transferred from one type of food or liquor to another. (EC16/79) Food storage

15. All food and liquor shall be protected against filth, flies, dust, dirt, insects, vermin, rodents and any contamination or foreign substance by means of enclosed cases, cabinets or shelves. (EC16/79) Enclosing food

16. Food or liquor shipping containers shall not be stored in areas where food or liquor is prepared or served. (EC16/79) Shipping container storage

17. No person shall Prohibited activities

- (a) use any room for sleeping purposes where food or liquor is prepared, served or stored;
- (b) place any wearing apparel in any room in which food or liquor is prepared, served or stored, unless in a separate cupboard or locker;
- (c) permit any live bird, animal or fowl in any room in which food or liquor is stored, prepared or served, except a dog or other animal accompanying and providing assistance to a physically challenged person;
- (d) smoke in areas where food is prepared or stored. (EC16/79; 635/93)

- Single service utensils **18.** Single service utensils, cones and straws shall be covered or kept in such a manner and place as to prevent contamination. (EC16/79)
- Milk **19.** Milk shall be served
(a) in individual sealed containers; or
(b) from the original sealed container equipped with an automatic dispensing device as received from the distributor. (EC16/79)
- Frozen foods **20.** Frozen foods shall be thawed by defrosting them in a refrigerator at 4°C (40°F) or by immersion in continuously running cold water. (EC16/79)
- Food refrigeration **21.** Food which is readily susceptible to spoilage and the action of toxin-producing organisms shall be kept
(a) under refrigeration at 4°C (40°F) or lower;
(b) if frozen, under refrigeration at -18°C (0°F) or lower;
(c) maintained hot at 60°C (140°F). (EC16/79)
- Ventilation of cooking area **22.** Any room where food is cooked shall be provided with adequate ventilation to allow the escape of smoke, gases and odors to the outside. (EC16/79)
- Cleanliness **23.** Walls, ceilings and equipment shall be protected from grease or food particles by placing equipment in a suitable location and by canopies with mechanical ventilation and removable grease filters unless the Director exempts the eating establishment from that requirement. (EC16/79)
- Linen **24.** Tablecloths, napkins or serviettes used in any eating establishment or licensed premises shall be either disposable or if cloth shall be laundered prior to use. (EC16/79)
- Garbage containers **25.** Garbage containers shall
(a) be kept in such a place and manner as to prevent odors and exclude insects, rodents and vermin;
(b) be removed and disposed of at least twice weekly and more often as is necessary to maintain an acceptable standard of sanitation;
(c) be cleaned following each removal of garbage and waste, and the storage area for the containers shall be cleaned as well;
(d) when filled, be removed from any room in which food or liquor is prepared, served or stored. (EC16/79)

PERSONNEL

- Personal hygiene **26.** Every operator or employee who handles or comes into contact with any utensil or with any food or liquor during its preparation, service or storage shall

- (a) be clean, with hair and beard suitably controlled or covered;
- (b) wear clean uniforms, coats and aprons, and footwear;
- (c) be free from communicable disease in a communicable form;
- (d) satisfy the Chief Health Officer as to his freedom from any disease referred to in clause (c) and submit to such medical examinations as the Chief Health Officer or the Minister may reasonably require; and
- (e) be free from any abrasion or other skin condition that may contaminate food or liquor. (EC16/79)

27. Where an operator knows or has reason to suspect that an employee is suffering from a communicable disease in a communicable form, the operator shall immediately notify the Chief Health Officer. (EC16/79) Notification

28. (1) The operator of every eating establishment or licensed premises shall provide conveniently located washrooms in good working order for the use of the public; one or more for males and one or more for females. Washrooms

(2) The washrooms for the use of the public referred to in subsection (1) shall be provided with a minimum of facilities on the following basis: Equipment

Seating capacity of establishment or premises	MALE			FEMALE	
	Toilet	Urinal	Wash Basin	Toilet	Wash Basin
1 - 5	1	1	1	1	1
25 - 50	1	1	1	2	1
50 - 100	1	2	1	2	1

(3) Subsection (2) does not apply to the eating establishments operated by a non-profit organization which is not licensed under the *Liquor Control Act*. Exception

(4) Subsection (2) does not apply to an eating establishment whose sole operation is banquet facilities used on less than six occasions per year. Idem

(5) For the purpose of this section, the seating capacity is based on a minimum of 1.4 square metres (15 square feet) of seating area per person. (EC16/79) Seating capacity

29. Washrooms referred to in section 28 shall be equipped at all times with Washroom requirements

- (a) an adequate supply of toilet tissue;
- (b) an adequate supply of hot and cold potable water under pressure;
- (c) an adequate supply of soap in a suitable container or dispenser;
- (d) single service disposable towels or an approved drying device;

- (e) a suitable receptacle for used towels and waste material; and
- (f) mechanical ventilation to the outside. (EC16/79)

SANITIZING AND STORAGE OF UTENSILS

- | | |
|---------------------------|--|
| Sanitization of utensils | 30. All utensils for serving or preparing food or liquor shall be sanitized prior to their use to conform with the health standards prescribed by section 38. (EC16/79) |
| Prerinsing utensils | 31. Utensils used in food preparation, serving or storage, shall be prerinsed or prescraped to remove large food particles and gross soil before washing. (EC16/79) |
| Dishwashing solutions | 32. The washing, rinsing and sanitizing solutions shall be completely changed as often as is necessary to prevent soiling of the utensils. (EC16/79) |
| Dishwashing equipment | 33. Manual dishwashing equipment shall consist of <ul style="list-style-type: none"> (a) a three-compartment sink of non-corrosive metal and of sufficient size to ensure thorough washing, rinsing and sanitizing; (b) where eating establishments are using single service utensils exclusively, at least a double compartment sink for washing and sanitizing the cooking utensils; (c) draining racks of non-corrosive material; and (d) draining boards of non-corrosive material. (EC16/79) |
| <i>Idem</i> | 34. Cloths used for washing utensils shall be <ul style="list-style-type: none"> (a) of suitable material; (b) in good condition; (c) clean; and (d) used for no other purpose. (EC16/79) |
| Manual dishwashing method | 35. Where manual dishwashing equipment is used, utensils shall be <ul style="list-style-type: none"> (a) washed in the first sink in water not lower than 44°C (110°F) and detergent solution capable of removing grease and which is compatible with the sanitizing agent; (b) rinsed in the second sink in clean water at a temperature not lower than 44°C (110°F); (c) sanitized in the third sink by one of the following: <ul style="list-style-type: none"> (i) immersion in water at a temperature of at least 82°C (180°F) for 15 seconds; (ii) immersion in chlorine solution of not less than one hundred parts per million available chlorine at a temperature of not lower than 44°C (110°F) for at least two minutes; (iii) immersion in a solution containing a quarternary ammonium compound having the strength of at least two hundred parts per |

million at a temperature of not less than 44°C (110°F) for at least two minutes; or

- (iv) any other sanitizing agent approved by the Director;
- (d) placed on a draining rack and allowed to air-dry;
- (e) when equipment is too large to immerse, equipment shall be
 - (i) washed with a solution of hot water and detergent as mentioned in clause (a), and
 - (ii) rinsed with a solution of hot water and sanitizing agent at double strength as mentioned in subclauses (c)(ii) and (iii).
 (EC16/79)

- 36.** Where mechanical dishwashing equipment is used, it shall
- (a) effectively sanitize all surfaces of utensils in accordance with bacterial standards prescribed in section 38;
 - (b) be provided with indicating thermometers that are so located as to be easily read;
 - (c) where spray-type machines are used, be so constructed, designed and maintained that
 - (i) wash water is clean at all times and maintained at a temperature not lower than 60°C (140°F),
 - (ii) final rinse water is maintained at a temperature not lower than 82°C (180°F), or
 - (iii) utensils are subjected to a sanitizing solution at such strength and for such time as prescribed in subclause 35(c)(i) or (ii).
 (EC16/79)
- 37.** Where chemical sanitizing is employed, the operator shall use suitable testing equipment and shall make tests often enough to ensure that the correct amount of chemical is in the solution. (EC16/79)
- 38.** The total plate count shall not exceed 100 bacteria per utensil and the utensils shall be coliform free in accordance with standard methods utilizing the swab techniques. (EC16/79)
- 39.** After cleaning and sanitizing, utensils shall be kept in such a place and manner as to prevent contamination. (EC16/79)

Mechanical
dishwashing
equipment

Chemical
sanitization

Plate count

Storage

ENFORCEMENT

- 40.** (1) The Director or an inspector may enter any eating establishment or licensed premises for the purpose of inspection at any time.
- (2) The Director or inspector shall inspect annually or routinely all eating establishments and licensed premises and seize any food or liquor appearing to be unsafe for the consumption of the public.

Premises inspection

Annual inspection

- Idem* (3) Food or liquor seized under subsection (2) shall be held until destroyed or released by the Director.
- Idem* (4) Food, liquor or items under seizure shall be identified as such and the removal of the food, liquor or items from the possession of the inspector is an offence.(EC16/79)

GENERAL

- Approval certificate **41.** (1) The Director may, on the application of an operator of an eating establishment or licensed premises issue an approval certificate authorizing the operation of that eating establishment or licensed premises.
- Not transferable (2) An approval certificate is not transferable.
- Certificate necessary (3) No person shall operate an eating establishment or licensed premises without a valid approval certificate issued under these regulations.
- Certificate duration (4) Each approval certificate to operate is valid from April 1 and expires on March 31 the following year. (EC16/79)
- Fees **41.1** The following are the annual application fees for approval certificates pursuant to section 41:
- | | |
|---------------------------------|----------------|
| (a) for Type I establishments | \$100 |
| (b) for Type II establishments | \$35 |
| (c) for Type III establishments | no charge |
| (d) for Type IV establishments | \$25 |
| (e) for Type V establishments | \$50(EC351/01) |
- Danger to health **42.** (1) Where an inspection reveals that any condition exists in an eating establishment or licensed premises that is or may become injurious to health, or where a condition exists that is in violation of these regulations, the Director may revoke the approval certificate and the Chief Health Officer may order that the eating establishment or licensed premises be closed, and every such eating establishment or licensed premises shall remain closed until the condition in question has been rectified to the satisfaction of the Chief Health Officer.
- Notice of order (2) Within twenty-four hours after issuing the order, the Chief Health Officer shall give written notice thereof together with the reasons for the closure to
- (a) the operator;
 - (b) the authority that issued the license.

(3) Where an eating establishment or licensed premises has been closed under these regulations, the Director may arrange for a notice to be placed in an conspicuous place on the outside or inside of the building, in the window or elsewhere, indicating to the general public that the establishment or premises has been closed by order of the Chief Health Officer. (EC16/79)

Notice of closure
posted

43. Every person who contravenes these regulations is guilty of an offence and liable to a fine not exceeding \$1,000 or not less than \$100. (EC16/79)

Offence