

13. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

106817

Draft Regulation

Food Products Act
(chapter P-29)

Food

—Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting food, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the permit system, mainly the dairy distributor permit, more specifically by removing the distributor/vendor and distributor/deliverer permit categories. The draft Regulation also removes the exemption from holding a permit authorizing the holder to engage in an activity forming part of a restaurateur's business for persons who carry on a restaurateur's business in their private residence. Lastly, the draft Regulation amends certain standards respecting shell eggs and processed eggs, and dairy products and dairy product substitutes.

Study of the matter to date has shown that none of the proposed amendments, other than those relating to permits, generates direct compliance costs, administrative costs or loss of revenue. As concerns the amendments made to the dairy distributor permit, they would reduce the associated administrative costs for enterprises holding that permit and allow them to save \$30,349 in administrative formality expenses and \$6,000 in permit fees for a total savings of \$36,349. In accordance with the *Politique gouvernementale sur l'allègement réglementaire et administratif – pour une réglementation intelligente*, the draft Regulation underwent a regulatory impact analysis with respect to the above-mentioned repercussions on enterprises. The analysis is available on the website of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation.

Further information on the draft Regulation may be obtained by contacting Francis Roberge, Direction adjointe à la réglementation, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 11^e étage, Québec (Québec) G1R 4X6; telephone: 418 380-2100; email: francis.roberge@mapaq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Guylaine Bouchard, Assistant Deputy Minister, Sous-ministériat à la salubrité alimentaire, à l'inspection et à la santé animale, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6; email: reglementation1@mapaq.gouv.qc.ca.

ANDRÉ LAMONTAGNE

Minister of Agriculture, Fisheries and Food

Regulation to amend the Regulation respecting food

Food Products Act
(chapter P-29, s. 40, pars. a, a.0.1, a.1, a.3, a.4, b, e, f, g, j and n)

1. Section 1.3.1.1.3 of the Regulation respecting food (chapter P-29, r. 1) is amended by striking out paragraphs 3 and 4.

2. Section 1.3.1.1.4 is amended by striking out the second paragraph.

3. Section 1.3.1.1.6 is amended by replacing “the permits referred to in paragraph 2 of section 1.3.5.H.1 and” in the second paragraph by “the permit referred to in”.

4. Section 1.3.1.17 is revoked.

5. Section 1.3.5.B.4.1 is amended by striking out “paragraph 2 of”.

6. Section 1.3.5.C.4.1 is amended by striking out “paragraph 2 of”.

7. Section 1.3.5.C.5 is amended by replacing subparagraph 2 by the following:

“(2) a person responsible for an intermediate resource or a family-type resource referred to in section 302 or 310 of the Act respecting health services and social services (chapter S-4.2) and the operator of a private seniors' residence referred to in section 346.0.1 of that Act, if they do not provide care for more than 9 residents;”.

8. Section 1.3.5.D.4 is replaced by the following:

“**1.3.5.D.4** The Minister may issue the permits provided for in subparagraph *m* or *n* of the first paragraph of section 9 of the Act for a period of less than 12 months where a person bound to hold a permit carries on their activities for a period of 30 consecutive days or less.”.

9. Sections 1.3.5.H.1 to 1.3.5.H.3 are replaced by the following:

“**1.3.5.H.1.** A dairy distributor permit authorizes the holder to deliver milk or cream.”

10. Section 1.3.6.7.5 is amended

(1) by adding “\$31.” at the end in the portion before paragraph 1;

(2) by striking out paragraphs 1 and 2.

11. Section 1.3.6.11 is revoked.

12. Section 1.3.6.12 is amended by striking out “, paragraph 2 of section 1.3.5.H.1” in the second paragraph.

13. Section 5.1.1 is amended

(1) by striking out the word “Canada” wherever it appears in the definition of “grade”;

(2) by replacing “Division 16 of Part B of the Food and Drug Regulations (C.R.C., c. 870)” in the definition of “colouring agent” by “the Food and Drugs Act (R.S.C., 1985, c. F-27) and its regulations”.

14. Section 5.1.2 is amended by replacing “at retail at the producer’s establishment are not graded or marked provided that the eggs are clean and do not leak” in the third paragraph by “at retail by the producer are not graded or marked provided that the eggs meet the requirements provided for in section 5.5”.

15. Section 5.1.3 is amended

(1) by replacing paragraph 4 by the following:

“(4) they are clean and do not leak;”;

(2) by striking out paragraph 7.

16. Section 5.1.4.1 is amended by replacing the fourth paragraph by the following:

“Eggs are also marked with the identifying code of the grading station. Eggs graded in an egg station operated in conformity with the Safe Food for Canadians Act (S.C. 2012, c. 24) and its regulations are marked with the grading station’s registration or licence number assigned by the Canadian Food Inspection Agency. Eggs graded in another grading station are marked with the identifying code confirmed by the Minister pursuant to section 5.1.4.4.”

17. Section 5.3.1 is amended by replacing “not exceeding 13°C and at a relative humidity between 70% and 85%” by “which will ensure their preservation”.

18. Section 5.4.1 is amended in the first paragraph

(1) by striking out the word “Canada” in subparagraph 3;

(2) by replacing “a date not later than 42 days after the date of grading” in subparagraph 4 by “the durable life date”;

(3) by replacing subparagraph 6 by the following:

“(6) the name and address of the grading station and the registration or licence number assigned to that station pursuant to the Safe Food for Canadians Act (S.C. 2012, c. 24) and its regulations or the identifying code confirmed by the Minister;”.

19. Section 5.4.4 is revoked.

20. The title of section 5.5 is amended by inserting “UNGRADED EGGS AND” after “APPLYING TO”.

21. Section 5.5.1 is amended by replacing the word “Eggs” at the beginning of the portion before paragraph 1 by “Ungraded eggs sold in accordance with the third paragraph of section 5.1.2 or”.

22. Section 5.5.2 is amended

(1) in the first paragraph

(a) by adding “or the words “ungraded eggs” in the case of ungraded eggs sold in accordance with the third paragraph of section 5.1.2” at the end of subparagraph 1;

(b) by striking out subparagraph 5;

(2) by adding the following paragraph at the end:

“Notwithstanding this section, the packaging of ungraded eggs sold by a producer at the producer’s establishment must bear only the producer’s name and address.”

23. The following is added after section 5.6.1:

“**5.6.1.1.** Despite sections 5.6 to 5.8, egg preparations sold at retail by the producer are not processed provided those preparations meet the requirements of section 5.6.4.”

24. Section 5.6.4 is replaced by the following:

“**5.6.4.** Eggs may be processed only if:

“(a) they are free from any odour not found in healthy eggs;

(b) they are not mouldy;

(c) they are not being incubated and have not been in an incubator;

(d) they are free of any pathogenic microorganism, unless they are intended for pasteurization;

(e) they are free of blood spots;

(f) they are free of dirt and of any spot, other than blood spots, whose total surface exceeds one-third of the surface of the shell;

(g) they do not leak, and do not show extensive, multiple or deep-seated alterations;

(h) where they are obtained by the slaughter of domestic fowl, they are fully formed and:

i. they have been kept at a temperature not exceeding 13°C between collecting and processing;

ii. they are intended for pasteurization.”

25. Section 11.1.1 is amended by striking out “or dairy product substitute” in the definition of “commercial sterility”.

26. Section 11.1.3 is amended by striking out “, except Division 11.9,” in the portion before paragraph 1.

27. Section 11.8.1 is amended

(1) in the first paragraph, by striking out

(a) “, and have a Vitamin D content per litre of not less than 355 and not more than 465 international units” in subparagraph 1;

(b) “, and have a Vitamin A content per litre of not less than 1,410 and not more than 2,930 international units and a Vitamin D content per litre of not less than 355 and not more than 465 international units” wherever it appears in subparagraphs 2, 3, 4 and 5;

(2) by inserting the following after the first paragraph:

“the Vitamin A and D content in the milk products referred to in subparagraphs 1 to 5 of the first paragraph must be the content provided for in the Food and Drugs Act (R.S.C., 1985, c. F-27) and its regulations.”;

(3) by replacing “the Dairy Products Regulations (SOR/79-840)” in the fourth paragraph by “the Food and Drugs Act (R.S.C., 1985, c. F-27) and its regulations”;

(4) by replacing “the composition standards set out in subparagraphs 1 to 5 of the first paragraph apply” in the sixth paragraph by “the milk must contain Vitamins A and D according to the conditions set out in the Food and Drugs Act and its regulations”.

28. Section 11.8.6 is amended

(1) by replacing “Food and Drug Regulations (C.R.C., c. 870) and in the Dairy Products Regulations (SOR/79-840)” in the first paragraph by “Food and Drugs Act (R.S.C., 1985, c. F-27) and in the Safe Food for Canadians Act (S.C. 2012, c. 24), and its regulations”;

(2) in the second paragraph

(a) by replacing “applicable standards set out in Parts B, D and E of the Food and Drug Regulations” by “standards set out in the Food and Drugs Act and its regulations”;

(b) by replacing “those regulations” by “that Act or its regulations”.

29. Section 11.8.8 is replaced by the following:

“11.8.8. The addition of any ingredient to the dairy products referred to in subparagraphs 1 to 5 of the first paragraph of section 11.8.8 is prohibited, except lactase, vitamins, a fat content standardization process that meets the standards under section 11.8.7, flavouring preparations that meet the standards under the Food and Drugs Act (R.S.C., 1985, c. F-27) and its regulations and, if such a preparation is added, sweeteners, salt, food colours, stabilizers and not more than 0.5% starch.”.

30. Section 11.8.9 is revoked.

31. Section 11.8.12 is amended by replacing the second paragraph by the following:

“Unripened firm or semi-soft cheese made from pasteurized milk with a minimum milk fat content of 25% and a moisture content of not less than 36% and not more than 44% may be stored at a room temperature of not more than 24°C for 24 hours after the date of their preparation at the dairy plant.”.

32. Section 11.8.13 is amended

(1) by replacing “section 70 of the Dairy Products Regulations (SOR/79-840), the information prescribed by that section” in paragraph 1 by “the Food and Drugs Act (R.S.C., 1985, c. F-27) and the Safe Food for Canadians Act (S.C. 2012, c. 24) or their regulations, and the information prescribed by those Acts or regulations”;

(2) by striking out paragraph 15.

33. Section 11.8.14 is amended

(1) by striking out paragraph 1;

(2) by striking out “, or for sour cream, if the volume of the product is greater than 500 ml, in 1 or 2-litre containers or packages” in paragraph 2;

(3) by replacing paragraph 3 by the following:

“(3) milk referred to in subparagraphs 1 to 5 of the first paragraph of section 11.8.1 or in section 11.8.8 must be packaged in containers or packages of at least 15 ml but not more than 500 ml, or in containers or packages of 1, 1.5, 2, 4, 10 or 20 litres. Such milk may also be packaged in a returnable or reusable 1.89-litre glass bottle.”

34. Section 11.9 is revoked.**35.** Section 11.12.7 is revoked.

36. Schedule 5.A to the Regulation is amended by striking out the word “Canada” wherever it appears.

37. Schedule 5.B is amended by striking out the word “Canada” wherever it appears.

38. Schedule 11.D is revoked.

39. All “distributor/vendor” and “distributor/deliverer” category permits in force on (*insert the date of the day preceding the date of coming into force of this Regulation*) held by an operator are replaced by a “dairy distributor” category permit referred to in section 1.3.5.H.1 introduced by section 9 of this Regulation. The “dairy distributor” category permit is valid for a period of 12 months and it is issued without further formality.

40. Pending applications for the issue or renewal of “distributor/vendor” and “distributor/deliverer” category permits are governed by this Regulation and processed as “dairy distributor” category permit applications.

41. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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