

Draft Regulations

Draft Regulation

Food Products Act
(R.S.Q., c. P-29)

Food

— Amendments

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

The draft Regulation indexes and harmonizes the cost of the fees payable for most permits in force in the food sector. It also fixes the fees for the service industry, specifically on the basis of the number of installations that keep certain foods hot or cold. It eliminates certain exemptions under the current regime and contains various consequential and transitional provisions.

To date, study of the matter has shown there to be very little direct economic impact on consumers. For enterprises, the draft Regulation entails an additional cost of \$3.4 million.

Further information may be obtained by contacting Daniel Tremblay, Direction de la normalisation et de l'appui à l'inspection des aliments, at (418) 380-2100, extension 3743, or Jean-Pierre Mailhot, Direction du service à la clientèle, at (418) 380-2100, extension 3406, both at the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 11^e étage, Québec (Québec) G1R 4X6.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6.

YVON VALLIÈRES,

Minister of Agriculture, Fisheries and Food

Regulation to amend the Regulation respecting food*

Food Products Act
(R.S.Q., c. P-29, s. 40, pars. *f*, *g* and *n*)

1. The Regulation respecting food is amended in section 1.1.1 by inserting the following after subparagraph *j* of the first paragraph:

“(k) “hot or cold unit”: for the purpose of establishing the fees payable for the permits referred to in subparagraphs 1 and 2 of the first paragraph and subparagraphs 1 and 3 of the second paragraph of section 1.3.6.7, a device, container or other installation designed to keep food hot at 60 °C or above, or to keep food cold at 13 °C or below and containing food offered to consumers in a self-service environment.

A device, container or installation referred to in the first paragraph that is at least 1.5 metres high and not more than 3.65 metres long constitutes a unit. If the device, container or installation is longer than 3.65 metres, the number of units is calculated by adding the lengths of each side accessible to the public and dividing the result obtained by 3.65 metres. The latter result is then rounded up to the next whole number; if the fraction is 0.5, the number is rounded up to the next higher whole number.

A device, container or installation not referred to in the second paragraph constitutes a unit if its surface area is 3.35 square metres or less. If that surface area exceeds 3.35 square metres, it constitutes more than one unit, namely the number obtained by dividing the surface area by 3.35 square metres. The result is then rounded up to the next whole number; if the fraction is 0.5, the number is rounded up to the next higher whole number.

In the case of devices, containers or installations referred to in the third paragraph placed side by side with no space in between, the surface area for the purpose of determining the number of units they constitute is the sum of the surface areas of each device, container or installation.

* The Regulation respecting food (R.R.Q., 1981, c. P-29, r.1) was last amended by the regulation made by Order in Council 466-2005 dated 18 May 2005 (2005, G.O. 2, 1224). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

Despite this subparagraph and for the purposes of the third paragraph of section 1.3.6.7, a device, container or any other installation that keeps food cold consisting solely of fresh whole, cut, peeled, grated or sliced fruit or vegetables is not taken into consideration in the calculation of the number of hot or cold units.

This subparagraph does not apply to the hot or cold units in the rooms of tourist accommodation establishments as defined in section 1 of the Regulation respecting tourist accommodation establishments made by Order in Council 1111-2001 dated 19 September 2001.”.

2. Section 1.3.1.1 is amended

(1) in the second paragraph,

(a) by replacing subparagraph 2 by the following:

“(2) where applicable, the registration number assigned to the person under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);”;

(b) by inserting the following after subparagraph 6:

“(6.1) for the purpose of establishing the fees payable for the permits referred to in subparagraphs 1 and 2 of the first paragraph and subparagraphs 1 and 3 of the second paragraph of section 1.3.6.7, the total number of hot or cold units containing food offered to consumers in a self-service environment, other than units that keep food cold consisting solely of fresh whole, cut, peeled, grated or sliced fruit or vegetables, calculated in the manner described in subparagraph *k* of the first paragraph of section 1.1.1;”;

(2) by replacing the third paragraph by the following:

“Every permit application must be accompanied by payment to the Minister of Finance of the amount of the fees payable for the issue of each permit and by payment of the costs for the opening of a file for a permit application.

Despite the third paragraph, no costs for the opening of a file are payable for the permits referred to in paragraphs 3 and 4 of section 1.3.5.B.1 and paragraphs 3 and 4 of section 1.3.5.C.1.”.

3. Section 1.3.1.5 is amended by replacing “by money order or certified cheque, payable to the order of the Minister of Finance, at least 60 days prior to the date of expiry of the permit” by “to the Minister of Finance. The application and the fees payable must be received by the Minister before the permit expiry date.”.

4. Section 1.3.1.8 is amended by inserting “the number of hot or cold units,” after “validity period of the permit,” in the second paragraph.

5. Section 1.3.5.C.1 is amended

(1) by replacing “4” in the part before paragraph 1 by “6”;

(2) by replacing paragraphs 1 and 2 by the following:

“(1) “general preparation without buffet” permit;

(1.1) “general preparation with buffet” permit;

(2) “keep hot or cold without buffet” permit;

(2.1) “keep hot or cold with buffet” permit;”.

6. Section 1.3.5.C.2 is amended

(1) by inserting “without buffet” after “general preparation”;

(2) by adding “, without consumers being able to serve themselves unwrapped food in bulk for consumption on the premises other than beverages, soups, condiments such as ketchup, mustard or cut onions or dessert toppings such as cherries, peanuts or caramel sauce” at the end.

7. The following is inserted after section 1.3.5.C.2:

“**1.3.5.C.2.1.** A “general preparation with buffet” permit authorizes the holder to operate premises or a vehicle where the food preparations referred to in subparagraph *j* of the first paragraph and in the second paragraph of section 1.1.1 are carried on as part of the restaurateur’s business where consumers may serve themselves unwrapped food in bulk for consumption on the premises. The holder of the permit may also carry on the restaurateur’s business described in section 1.3.5.C.2.”.

8. Section 1.3.5.C.3 is amended

(1) by inserting “without buffet” after “keep hot or cold”;

(2) by adding “, without consumers being able to serve themselves unwrapped food in bulk for consumption on the premises other than beverages, soups, condiments such as ketchup, mustard or cut onions or dessert toppings such as cherries, peanuts or caramel sauce” at the end.

9. The following is inserted after section 1.3.5.C.3 :

“**1.3.5.C.3.1.** A “keep hot or cold with buffet” permit authorizes the holder to operate premises or a vehicle where the only preparation carried out is keeping food referred to in the second paragraph of section 1.1.1 hot or cold for the purposes of the restaurateur’s business, where consumers may serve themselves unwrapped food in bulk for consumption on the premises. The holder of the permit may also carry on the restaurateur’s business described in section 1.3.5.C.3.”.

10. Section 1.3.5.C.6 is amended by replacing ““general preparation” or “keep hot or cold” permits provided for respectively in sections 1.3.5.C.2 and 1.3.5.C.3” by ““general preparation without buffet”, “general preparation with buffet”, “keep hot or cold without buffet” and “keep hot or cold with buffet” permits provided for respectively in sections 1.3.5.C.2, 1.3.5.C.2.1, 1.3.5.C.3 and 1.3.5.C.3.1.”.

11. Section 1.3.5.D.1 is replaced by the following :

“**1.3.5.D.1.** An operator who is required to hold a permit under subparagraphs *m* and *n* of the first paragraph of section 9 of the Act for the same premises or vehicle need hold only one permit, which is the permit for the principal activity of the operation. When applying for the permit, the operator must indicate which of the two subparagraphs corresponds to the principal activity of the operation for which the permit is to be issued. The operator is then exempt from the application of the other paragraph.”.

12. Section 1.3.5.D.2 is amended

(1) by replacing “subparagraphs *m* or” in the first paragraph by “subparagraph”;

(2) by replacing “any of those permits” in subparagraph 2 of the first paragraph by “the permit”;

(3) by deleting subparagraph 3 of the first paragraph;

(4) by deleting the third paragraph.

13. The following is inserted after section 1.3.5.D.2 :

“**1.3.5.D.2.1.** An operator of premises who holds a permit under subparagraph *m* or *n* of the first paragraph of section 9 of the Act is exempt, for the duration of the permit, from the application of the subparagraph requiring that permit for other premises if the permit is a “non-profit” category permit and two or more premises are operated under the permit.

The operator must satisfy, however, in respect of each of the premises operated, the conditions of the fourth paragraph of section 1.3.1.3 for a permit to be obtained.”.

14. Section 1.3.5.D.3 is deleted.

15. The heading of subdivision 1.3.6 is replaced by “**§1.3.6. Fees payable**”.

16. Section 1.3.6.1 is amended by replacing paragraphs *a*, *b*, *c*, *e* and *f* by the following :

“(a) \$450 for an A-1 slaughterhouse permit ;

(b) \$450 for an A-1B slaughterhouse permit ;

(c) \$450 for an A-1P slaughterhouse permit ;

(e) \$450 for an A-3 slaughterhouse permit ;

(f) \$450 for an A-4 slaughterhouse permit.”.

17. Section 1.3.6.2 is amended by replacing paragraphs *a* and *c* to *g* by the following :

“(a) \$450 for a “general delicatessen” permit ;

(c) \$450 for a “meat cutting and mincing” permit ;

(d) \$450 for a “pizza preparation” permit ;

(e) \$450 for a “canned meat” permit ;

(f) \$450 for a “hare meat preparation” permit ;

(g) \$450 for a “canned hare meat” permit.”.

18. Section 1.3.6.3 is amended by replacing paragraphs *a* and *c* to *h* by the following :

“(a) \$450 for a “rendering plant” category permit ;

(c) \$450 for an “animal food cannery” category permit ;

(d) \$450 for a “depot” category permit ;

(e) \$450 for a “boning” category permit ;

(f) \$450 for a “raw meat” category permit ;

(g) \$450 for a “general preparation” category permit ;

(h) \$450 for a “special preparation” category permit.”.

19. Section 1.3.6.5 is amended by replacing paragraphs 1 to 5 by the following:

“(1) \$450 for a “salting and drying,” “salting or drying” category permit;

(2) \$450 for a “fresh, frozen or semi-preserved” category permit;

(3) \$450 for a “treatment shop” category permit;

(4) \$450 for a “hard-smoking shop” category permit;

(5) \$450 for a “sturgeon shop” category permit.”.

20. Section 1.3.6.6 is amended by replacing “\$350” by “\$450”.

21. Section 1.3.6.7 is replaced by the following:

“**1.3.6.7.** The fees payable for the issue or renewal of the permit prescribed in section 1.3.5.B.1 to operate premises or a vehicle where food is prepared to be sold at retail or to furnish services for remuneration related to food intended for human consumption are fixed at

(1) \$260 for a “general preparation” permit;

(2) \$200 for a “keep hot or cold” permit;

(3) \$28 for a “non-profit” permit; and

(4) \$28 for the first day of operation and an additional \$8 per day for each subsequent day for a “special events” permit.

The fees payable for the issue or renewal of the permit to operate premises or a vehicle where restaurateur activities provided for in section 1.3.5.C.1 are carried on are fixed at

(1) \$260 for a “general preparation without buffet” permit;

(2) \$400 for a “general preparation with buffet” permit;

(3) \$200 for a “keep hot or cold without buffet” permit;

(4) \$400 for a “keep hot or cold with buffet” permit;

(5) \$28 for a “non-profit” permit; and

(6) \$28 for the first day of operation and an additional \$8 per day for each subsequent day for a “special events” permit.

The fees provided for in subparagraphs 1 and 2 of the first paragraph are increased by \$12 per hot or cold unit as defined in subparagraph *k* of the first paragraph of section 1.1.1 where there are more than 5 units which contain food offered to consumers in a self-service environment on premises or in a vehicle referred to in this section.”.

22. Section 1.3.6.8 is amended in the French text by replacing “les droits exigibles” by “les droits et frais exigibles” and by replacing “Ces droits sont diminués” by “Ces droits et frais sont diminués”.

23. Section 1.3.6.9 is amended by adding the following paragraph:

“A person who applies for the issue of a permit may not be reimbursed for all or part of the costs paid for the opening of a file.”.

24. Section 1.3.6.10 is amended by replacing “\$75” by “\$200”.

25. The following is inserted after section 1.3.6.11:

“**1.3.6.12.** The costs for the opening of a file for a permit application are \$100 for each permit application. The fees are only \$100 if an application is for the issue of more than one permit.

Despite the first paragraph, no fees for the opening of a file are payable for the permit applications referred to in paragraphs 3 and 4 of section 1.3.5.B.1 and in paragraphs 3 and 4 of section 1.3.5.C.1.”.

26. Schedule 1.3.A is amended by striking out all that appears after “Made at... On...” in paragraph E.

27. Schedule 1.3.B is amended by striking out all that appears after “Made at... On...” at the end of the Schedule.

28. Schedule 1.3.C is amended by replacing “- The application for renewal must be received by the Minister 60 days before the expiry of the present permit.” by “- The application for renewal must be received by the Minister before the expiry of this permit.”.

29. Despite the first paragraph of section 1.3.6.8 of the Regulation respecting food, the fees payable under the Regulation, as modified by this Regulation, are indexed on 1 April 2006 in the manner provided in that section.

30. Every operator of premises or a vehicle who holds a permit required under subparagraph *m* or *n* of the first paragraph of section 9 of the Act that expires in the 90-day period following the coming into force of this Regulation is deemed, subject to the provisions of section 15 of the Act, to hold a valid permit until the permit is renewed following a renewal application and payment of the fees prescribed or until the expiry of the ninetieth day following the day of coming into force of this Regulation, if the application has not been received by the Minister and the fees have not been paid before that date. The permit renewal date is the date of the day after the day on which the permit expires.

31. Every holder of a permit required under subparagraph *a*, *b* or *e* of the first paragraph of section 9 of the Act who, on the premises where the permit holder carries on the activities indicated on the permit, prepares food intended for human consumption to be sold at retail or used to furnish services for remuneration, or who carries on a restaurateur business is deemed, subject to the provisions of section 15 of the Act, to hold the permit required under subparagraph *m* or *n* of the first paragraph of section 9 of the Act, until the permit holder has applied for the permit and paid the fees prescribed for its issuance or until the expiry of the ninetieth day following the day of coming into force of this Regulation, if the application has not been received by the Minister and the fees have not been paid before that date.

32. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except paragraph 2 of section 2 and section 25 of this Regulation which come into force on the one hundred twentieth day after the date of coming into force of this Regulation (*insert the date that occurs 120 days after the date of coming into force of this Regulation*).