

Draft Regulations

Draft Regulation

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

Food and reimbursement of the costs of permanent inspection — 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 and the Regulation respecting the reimbursement of the costs of permanent inspection, appearing below, may be made by the Gouvernement du Québec on the expiry of 45 days following this publication.

The draft Regulation amends the provisions respecting applications for the issue and renewal of certain permits provided for in the Food Products Act (R.S.Q., c. P-29) and revokes the provisions respecting control and enforcement, permanent inspection in dismembering plants and the sizes of small containers for maple products. It also amends certain provisions respecting dairy products and their substitutes. Lastly, it makes consequential amendments.

To date, study of the matter has shown no economic impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Ninoslav Teinovic, Direction du développement et de 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, extension 3298; fax: 418 380-2169.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to the Minister of Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6.

CLAUDE BÉCHARD,
Minister of Agriculture, Fisheries and Food

Regulation to amend the Regulation respecting food* and the Regulation respecting the reimbursement of the costs of permanent inspection**

Food Products Act
(R.S.Q., c. P-29, s. 40, pars. a, a.1, b.1, c, e.4, f and j)

1. The Regulation respecting food is amended by replacing the words “meat unfit for human consumption” wherever they appear by “inedible meat”.

2. Section 1.3.1.1 is amended by replacing the first paragraph by the following:

“**1.3.1.1.** Every application for a permit referred to in the first paragraph of section 9 of the Act, except a permit referred to in subparagraphs *k.1* to *k.4* of the first paragraph, must be made in writing and contain the following information:

(1) if the application is made by a natural person, the person's name, address and telephone number; if the application is made by a sole proprietorship, partnership or legal person, its name and telephone number, the address of its principal establishment and the business number assigned under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(2) the name under which the premises or vehicle will be operated and the address or registration number, as the case may be;

(3) the activities that the applicant plans to carry on;

(4) in the case of an application for a permit referred to in subparagraph *e* of the first paragraph of section 9 of the Act, the processed sea food products; and

* The Regulation respecting food (R.R.Q., 1981, c. P-29, r.1) was last amended by the regulation made by Order in Council 66-2009 dated 28 January 2009 (2009, *G.O.* 2, 153). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

** The Regulation respecting the reimbursement of the costs of permanent inspection (R.R.Q., 1981, c. P-29, r.5) was last amended by the regulation made by Order in Council 1603-91 dated 27 November 1991 (1991, *G.O.* 2, 4729). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

(5) 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.”.

3. Section 1.3.1.1.5 is revoked.

4. Section 1.3.1.2 is amended by replacing “to operate an establishment referred to in Schedule 1.3.A” by “referred to in section 1.3.1.1”.

5. Section 1.3.1.5 is replaced by the following:

“**1.3.1.5.** To renew a permit, a permit holder must apply for renewal in writing, indicate in the application the information referred to in the first paragraph of section 1.3.1.1 and pay the fees payable to the Minister of Finance. The application and payment of the fees payable must be received by the Minister before the expiry date of the permit.

The first paragraph does not apply to permits under paragraph 4 of section 1.3.5.B.1, paragraph 4 of section 1.3.5.C.1, section 1.3.5.F.1, 1.3.5.G.1, 1.3.5.H.1, 1.3.5.I.1, 1.3.5.J.1 or 1.3.5.K.1.”.

6. Section 1.3.1.5.1 is amended by replacing “1.3.1.1.5” at the end of the first paragraph by “1.3.1.1.4”.

7. Section 1.3.1.6 is amended by replacing “required fee” in the first paragraph by “fee payable” and “Schedule 1.3.B” by “section 1.3.1.5”.

8. Section 1.3.1.8 is revoked.

9. Section 2.1.2 is amended by replacing the second paragraph by the following:

“Despite the first paragraph, a person who enters the public service area may be accompanied by a dog compensating for a handicap.”.

10. Chapter 4 is revoked.

11. Section 7.2.6 is amended by striking out subparagraph *i* of the first paragraph.

12. Section 7.2.8 is amended by striking out subparagraph *h* of the first paragraph.

13. Section 7.2.10 is amended by striking out subparagraph *h* of the first paragraph.

14. Section 7.2.17 is revoked.

15. Section 7.4.7 is amended by striking out “or 7.5.10”.

16. Section 7.4.8 is revoked.

17. Division 7.5 is replaced by the following:

**“DIVISION 7.5
PACKAGING**

7.5.1. The words “inedible meat” or “boned inedible meat”, as the case may be, must appear on the four sides of any inedible meat packaging, in indelible, legible and conspicuous characters at least 2 centimetres high.

A packaging of boned inedible meat must also indicate

(1) the weight of its content;

(2) the date of packaging or lot number;

(3) the operator’s permit number; and

(4) the operator’s name and address or, if the operator does not distribute the meat, the distributor’s name and address.

7.5.2. The operator of a dismembering plant holding a permit of the “boning” or “general preparation” category must package the inedible meat before shipping or delivering it.

The packaging must be new and bear all the inscriptions provided for in section 7.5.1, even if it contains unboned meat.

7.5.3. No inedible meat packaging may be reused to package inedible meat or food.”.

18. Sections 8.6.4 and 8.6.5 are revoked.

19. Section 11.3.1 is amended in the French version by replacing “exempt” by “exempts”.

20. Section 11.5.8 is amended by replacing “the third paragraph of section 2.2.3” in the first paragraph by “sections 2.2.3, 2.2.3.1 and 2.2.3.2”.

21. Section 11.8.1 is amended by replacing

(1) “300” and “400” in subparagraph 1 of the first paragraph by “355” and “465”, respectively;

(2) “1,200”, “2,500”, “300” and “400” in subparagraphs 2 to 5 of the first paragraph by “1,410”, “2,930”, “355” and “465”, respectively.

22. Section 11.11.1 is amended by inserting “or dairy product substitute” after “dairy product” in the second paragraph.

23. Schedules 1.3.A, 1.3.B, 1.3.C, 4.1.A, 4.1.B, 4.1.C, 4.1.D, 4.1.E, 4.1.F and 7.5.A are revoked.

24. The Regulation respecting the reimbursement of the costs of permanent inspection (R.R.Q., 1981, c. P-29, r.5) is amended in paragraph *a* of section 1 by striking out “or the operator of a dismembering plant operated under a permit of the “animal food cannery”, “boning” or “general preparation” category”.

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