

The Public Eating Establishment Regulations

Repealed

by Chapter P-37.1 Reg 12 (effective May 7, 2009).

Formerly

Chapter P-37 Reg 3 (effective December 23, 1988).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER P-37 REG 3

The Public Health Act

Title

- 1 These regulations may be cited as *The Public Eating Establishment Regulations*.

Interpretation

- 2 In these regulations:

- (a) “**Act**” means *The Public Health Act*;
- (b) “**applicant**” means a person who applies for a licence;
- (c) “**licence**” means a licence issued pursuant to section 5;
- (d) “**potentially hazardous food**” means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms, but does not include clean, whole, uncracked, odour-free shell eggs or foods that have a pH level of 4.6 or less or a water activity (a_w) value of 0.85 or less.

23 Dec 88 cP-37 Reg 3 s2.

Licence requirements

3(1) Subject to subsection (2), no person shall establish, construct, extend, renovate, alter or operate a public eating establishment unless he holds a valid and subsisting licence that authorizes him to do so.

- (2) Subsection (1) does not apply in the case of:

- (a) the routine maintenance of a public eating establishment; or
- (b) a facility that a medical health officer:
 - (i) considers does not require a licence because of the limited quantities and manner in which food in the facility is prepared; and
 - (ii) has exempted in writing from the application of subsection (1).

23 Dec 88 cP-37 Reg 3 s3.

Application

- 4 An applicant shall:

- (a) submit his application to a medical health officer or a public health inspector; and
- (b) provide any information or material that the medical health officer or public health inspector requests and considers relevant to the application.

23 Dec 88 cP-37 Reg 3 s4.

P-37 REG 3**PUBLIC EATING ESTABLISHMENT****Issuance of licence**

5 When an application, including any information or material requested, is received pursuant to section 4, a medical health officer or a public health inspector shall:

- (a) issue a licence, subject to any terms and conditions that he considers appropriate; or
- (b) refuse to issue a licence.

23 Dec 88 cP-37 Reg 3 s5.

Compliance with licence

6 No person to whom a licence is issued shall fail to comply with any term or condition contained in the licence.

23 Dec 88 cP-37 Reg 3 s6.

Amendment, etc., of licence

7(1) Where, in the opinion of a medical health officer or a public health inspector:

- (a) a person to whom a licence is issued has contravened the Act or these regulations; or
- (b) a public eating establishment that is being operated pursuant to a licence is being operated without adequate consideration of the need to operate in a manner that does not endanger public health;

the medical health officer or public health inspector may, as he considers advisable, amend, suspend or cancel the licence.

(2) For the purposes of section 3, a licence that is suspended pursuant to this section is, for the period of the suspension, deemed to have not been issued.

23 Dec 88 cP-37 Reg 3 s7.

Licence not transferable

8 A licence is not transferable.

23 Dec 88 cP-37 Reg 3 s8.

Potentially hazardous food

9 When a licence has been issued, the holder of the licence shall ensure that:

- (a) potentially hazardous food that he stores or displays prior to selling it for human consumption is kept at a temperature of 4°C or less or 60°C or greater; and
- (b) an accurate thermometer is available to monitor the temperature of potentially hazardous food.

23 Dec 88 cP-37 Reg 3 s9.

Preparation, service of food

10 Unless exempted by a medical health officer, every holder of a licence shall ensure that a person who has successfully completed a course in food sanitation approved by the minister is working in the public eating establishment at all times when food is being prepared and served.

23 Dec 88 cP-37 Reg 3 s10.

Unsanitary operation

11 No person shall cause or allow a public eating establishment to be operated:

- (a) in an unsanitary manner or under unsanitary conditions; or
- (b) in a manner that endangers the health of a member of the public.

23 Dec 88 cP-37 Reg 3 s11.

Transitional

12 All certificates of approval that were issued pursuant to Saskatchewan Regulations 212/66 and that, on the day these regulations come into force, are valid and subsisting:

- (a) are deemed to be licences issued pursuant to these regulations; and
- (b) expire on March 31, 1989 unless sooner cancelled or suspended pursuant to the Act or these regulations.

23 Dec 88 cP-37 Reg 3 s12.

Repeal

13 Saskatchewan Regulations 212/66 and 734/68 are repealed.

23 Dec 88 cP-37 Reg 3 s13.

