

**Food Safety Regulations
made under Section 105 of the
Health Protection Act
S.N.S. 2004, c. 4**

**O.I.C. 2005-458 (October 14, 2005, effective November 1, 2005), N.S. Reg. 206/2005
amended to O.I.C. 2022-136 (effective May 17, 2022), N.S. Reg. 102/2022**

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Interpretation and Application

Citation

1 These regulations may be cited as the *Food Safety Regulations*.

Definitions

2 In these regulations,

“accredited laboratory” means a laboratory that has received formal recognition of technical competence to perform specific types of testing or measurement;

“Act” means the *Health Protection Act*;

“adulteration” means the addition of any foreign or inferior substances to a food or food ingredient that makes it corrupt, debased, or impure;

“consultant inspection services” means inspections that are conducted by the Department on the request of an operator;

“contamination” means exposure of food to conditions that permit or may permit the introduction or the occurrence of any of the following:

- (i) a disease-causing microorganism or parasite,
- (ii) any biological or chemical agent,
- (iii) foreign matter, residue, drugs or any other substance that may compromise food safety;

“Department” means the Department of Environment;

“edible” means fit for human consumption regardless of whether the food requires preparation before being eaten or is ready to eat;

“food additive” has the same meaning as in Part B of the *Food and Drug Regulations* (Canada);

“food animal” means a ruminant, porcine, ratite or a domesticated rabbit, bird or other animal whose meat is intended for human consumption;

“food bank” means a not-for-profit organization that accepts donated food and operates with the exclusive intent of distributing food for the relief of poverty, and receives, holds, packages, repackages or distributes food to be consumed off the premises, but does not process or serve food;

“food hygiene training program” means a certificate training program recognized by the department which outlines food safety principles and has expiry and renewal requirements;

“hold tag” means a tag applied to food to indicate that the food has been held, detained or condemned by an inspector;

“HST” means harmonized sales tax;

“inspected” means inspected by the Government of Canada, the Province, any other province or territory or an official agency of those governments under whose authority food safety standards are established or enforced;

“low-risk food” means food that is not potentially hazardous food;

“notifiable disease or condition” means a notifiable disease or condition as defined in Part 1 of the Act;

“operator” means a person who holds a permit to operate a food establishment;

“potable”, in relation to water, means water that is safe to drink and meets the requirements of the *Guidelines for Canadian Drinking Water Quality* published by the federal Department of Health;

“potentially hazardous” means having the potential to support the growth of pathogenic microorganisms or the production of toxins;

“product” means a food product that is processed or derived in whole or in part from a specified food and that is intended for human consumption;

“process” means to substantially change or alter the appearance or nature of a food, to combine with an ingredient or additive or to make foods ready-to-eat;

“ready-to-eat food” means a food that is

- (i) normally consumed without washing, cooking or other preparation, or
- (ii) prepared into a form in which it is consumed without further processing;

“restaurant” means a food establishment that for all or part of the year operates in a fixed location and is engaged in providing food services to patrons who

- (i) order and are served while seated and pay after eating, or
- (ii) pay before eating on the premises after ordering or selecting items at
 - (A) a counter,
 - (B) a food bar, or
 - (C) a cafeteria line;

“sanitize” means to reduce the number of micro-organisms to a level that does not compromise food safety by means of a chemical agent or physical method;

“service dog” means a service dog as defined in the *Service Dog Act*;

“smoke” includes to inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, water pipe, electronic cigarette or other device that burns or heats tobacco or another substance that is intended to be smoked or inhaled;

“soup kitchen” means a not-for-profit organization that operates with the exclusive intent of distributing food for the relief of poverty, and receives, holds and processes food to be served or consumed on the premises;

“wildlife” means wildlife as defined in the *Wildlife Act*.

Application of regulations

- 3** (1) These regulations apply to all food establishments except for all of the following:
- (a) a dwelling in which food is produced for sale at a public market, temporary event, bake sale or directly to the final consumer where
 - (i) the end product
 - (A) does not contain ingredients capable of supporting the growth of infectious or toxigenic microorganisms, including meat, fish, dairy or egg products, and
 - (B) has a high salt or sugar content, low moisture content or a low pH that inhibits the growth of disease-supporting microorganisms, and
 - (ii) any dairy or egg products used in baked or other goods have a high salt or sugar content, low moisture content or a low pH that inhibits the growth of disease-supporting microorganisms;
 - (b) a premises that offers only fresh, whole, unprocessed fruit and vegetables cut for harvest;
 - (c) a premises that offers only food that is prepackaged at a facility subject to inspection and is not potentially hazardous;
 - (d) a private residence where the owner offers overnight accommodation used mainly for the reception of the travelling or vacationing public and serves breakfast only;
 - (e) a food establishment in which food is prepared and served by a religious or not-for-profit organization for functions or gatherings, but these regulations do apply if a function or gathering is held in conjunction with and at the site of a fair, exhibition, festival or other temporary food service event;
 - (f) a meat plant that is licensed and inspected under the *Meat Inspection Act* (Nova Scotia) or *Safe Food for Canadians Act* (Canada);
 - (fa) a meat processing plant that is licensed and inspected under the *Safe Food for Canadians Act* (Canada);
 - (g) a part of a fish or fish products processing facility that is registered, licensed and operated under the *Fisheries and Coastal Resources Act* and the *Fish Inspection Regulations* made under that Act;

- (h) a part of a food processing plant that manufactures, packages, labels or stores food and
 - (i) does not provide food directly to the consumer, and
 - (ii) is licensed and inspected under the *Food and Drugs Act* (Canada) or the *Safe Foods for Canadians Act* (Canada);
 - (i) a premises that is operated solely for the purposes of cutting, processing or packaging wildlife;
 - (j) a child-caring facility, long-term care facility or home for special care that is exempted by the Administrator;
 - (k) a catering operation that prepares food in a private residence to be consumed by occupants and their guests;
 - (l) a food bank or soup kitchen;
 - (m) a business that provides customers with complimentary low-risk food, but is not otherwise engaged in food handling.
- (2) [repealed]
- (3) The Administrator may exempt an operator who holds a permit for a type or class of food establishment from any provision of these regulations.

Codes of practice established by Minister

- 4 (1) The Minister may establish codes, standards and guidelines to support and give direction to food establishments in interpreting and complying with these regulations.
- (2) If there is a conflict between a code, standard or guideline established under this Section and the provisions of the Act and these regulations, the Act and these regulations prevail.

Food Establishment Permits and Inspections

Class of permits

5 Classes of food establishment permits, the expiry dates for food establishment permits and the fees prescribed for food establishment permits are as set out in the following table:

Class of Permit	Term of Permit	Fee for Permit (plus HST)
temporary event	1 day	\$24.18

temporary event	2-14 days	\$50.78
eating establishment	1 year	\$193.56
eating establishment seasonal	6 months or less	\$77.40
foodshop	1 year	\$77.40
foodshop seasonal	6 months or less	\$38.70
mobile: class 1	1 year	\$193.56
mobile: class 2 or 3	1 year	\$77.40
public market	1 year	\$38.70

Application for permit

6 A person must submit an application for a permit to the Administrator in a form prescribed by the Administrator and the application must include all of the following:

- (a) the applicable fee prescribed in Section 5;
- (b) any reasonable information required by the Administrator;
- (c) the plans and specifications of the food establishment required by Section 24 [18A].

Permit non transferable

7 A permit is not transferable to any other person or to any other food establishment.

Form and posting of permit

8 (1) A permit must be in the form prescribed by the Administrator.

(2) A permit must be posted in a conspicuous location in the food establishment.

Renewal of Permit

9 To renew a permit, other than a temporary permit, an operator must submit a completed renewal application on or before the permit's expiry date to the Minister on a form approved by the Administrator and the renewal application must include all of the following:

- (a) the applicable fee prescribed in Section 5;
- (b) any reasonable information as required.

Non-issuance of permit

10 If the Administrator refuses to issue or renew a permit under subsection 83(1) of the Act, the refusal remains in effect until the Administrator is satisfied that the applicant is capable of operating a food establishment in accordance with these regulations.

Suspension or revocation

- 11** (1) If the Administrator suspends or cancels a permit under subsection 83(1) of the Act, the Administrator
- (a) must provide written notice of the suspension or cancellation to the permit holder; and
 - (b) may serve a notice of closure on the operator and post a copy of the notice in an area of the food establishment where it is visible to the public.
- (2) An operator who receives a notice of the suspension or the cancellation of their permit must
- (a) cease operation of the food establishment immediately; and
 - (b) close the food establishment and not reopen it until authorized by the Administrator.
- (3) A person must not remove a notice that has been posted under clause (1)(b) unless authorized to do so by the Administrator.

Appeal to Minister about food establishment permit decision

- 12** (1) A permit holder who appeals a decision of the Administrator under Section 85 of the Act must serve the Administrator with a notice of appeal accompanied by a non-refundable fee of \$246.52 no later than 30 days after the date they are advised of the Administrator's decision.
- (2) The Administrator must send a copy of the notice of appeal to the chair of the appeal panel established under Section 13 no later than 5 days after the date the Administrator receives a notice of appeal.

Appeal panel

- 13** (1) The Minister may establish an appeal panel to review appeals and make recommendations to the Minister on an appeal.
- (2) The appeal panel must be made up of at least 3 persons, 1 of whom is a medical officer, 1 of whom is a person representing the food industry, and 1 of whom is a person representing consumers.
- (3) The appeal panel must appoint a chair and must determine its own practices and procedures.
- (4) The quorum for the appeal panel is 1 person.

Review by appeal panel and recommendations to Minister

- 14** The appeal panel must review an appeal and make a recommendation to the Minister about the appeal no later than 10 days after the date the appeal panel receives a copy of the notice of appeal.

Decision of appeal

- 15** The Minister must decide an appeal no later than 10 days after the date that the Minister receives the recommendations of the appeal panel.

Complying with inspector

- 16** (1) An operator must comply with all reasonable directions given by an inspector under the Act and these regulations.
- (2) A person must not remove or alter a hold tag unless directed to do so by the inspector.
- (3) A food that has a hold tag and is detained on the instruction of an inspector must not be handled or used without permission of an inspector.

Inspection services

- 17** (1) The Administrator may establish the frequency of inspections.
- (2) The fee for consultant inspection services is \$123.30 per hour plus expenses.

Inspection reports available

- 18** The Department must make inspection reports available in electronic form for public review through a process consistent with the Department's *Routine Access Policy*.

Design and Construction of Food Establishments and Equipment

Construction or renovation of food establishment

- 18A** A person must not begin to construct a new food establishment or renovate or expand an existing food establishment until construction plans and specifications are submitted to and approved by an inspector.

Design and construction

- 19** (1) A food establishment must be located, designed, constructed and maintained to ensure all of the following:
- (a) that the risk of contaminating the food is minimized;
 - (b) that operations are carried out in an area of the food establishment that is sanitized and appropriate to the operation;
 - (c) that the surfaces and materials are durable, non-toxic and are easy to maintain, clean and sanitize;
 - (d) that the design and layout allow for the movement of food and personnel in a way that prevents contamination;
 - (e) that there is effective protection to prevent the access and sheltering of insects, rodents and other pests.

- (2) A food establishment must provide all of the following in accordance with applicable legislation or as considered acceptable by the Administrator:
 - (a) a supply of potable hot and cold water at adequate pressure and volume with the appropriate facilities to store and distribute the water and to control the water temperature;
 - (b) adequately designed and appropriately located hand-washing facilities;
 - (c) change rooms and lunch rooms, if appropriate;
 - (d) a wastewater system that meets the requirements of applicable legislation, regulations and municipal bylaws;
 - (e) storage facilities that are designed to store foods, ingredients, non-food products and chemicals safely.
- (3) A food establishment must have lighting, ventilation, heating, refrigeration and plumbing that is appropriate to the specific activities of the food establishment and that is considered acceptable by the Minister.
- (4) All of the following types of restaurants must have accessible entryways, washroom facilities and pathways that are considered acceptable by the Minister:
 - (a) newly constructed restaurants;
 - (b) restaurants located in a converted space that was not previously occupied by a restaurant;
 - (c) restaurants located in a pre-existing restaurant space that was closed for at least 12 months prior to the submission of an application for a food establishment permit for the new restaurant.

Washroom facilities

- 20** (1) A food establishment must have washroom facilities for staff and washroom facilities for the public available in a convenient location, unless exempted by the Administrator.
- (2) A washroom facility must be constructed, equipped, and designed in accordance with the *Nova Scotia Building Code*.
- (3) If an inspector gives written approval, the same washroom facilities may be used for both staff and the public.

21 [repealed]

Living and sleeping quarters

- 22** All living and sleeping quarters that are located in the same building as a food establishment, such as in a dwelling, must be separated from rooms and areas used for the food establishment's operations by floor-to-ceiling partitioning and solid self-closing doors.

Design, construction, installation and maintenance of equipment

- 23** (1) All equipment and utensils used to process, prepare, store, serve, sell or display food must be designed, constructed, installed and maintained to
- (a) protect food from contamination;
 - (b) allow adequate cleaning, sanitizing and maintenance.
- (2) Equipment used to cook, heat-treat, cool, store, display or freeze food must be designed to
- (a) achieve the required food temperature as rapidly as is necessary to maintain food safety; and
 - (b) control temperature, humidity, air flow and any other condition that is likely to have a detrimental effect on food safety.
- (3) The equipment referred to in subsections (1) and (2) must be made of materials that are suitable for their intended purpose and that are non-toxic to food.

Equipment for waste and recyclables

- 24** (1) Food establishments must provide equipment or containers to hold and handle liquid and solid wastes and recyclables.
- (2) Equipment or containers used for wastes and recyclables must be clearly identified or labelled and used exclusively for that purpose.

Food Establishment Personnel

Illness of personnel

- 25** (1) Food service personnel must report any illness or condition to the operator if they have been diagnosed with or believe or should reasonably suspect that they are infected with a notifiable disease or condition that is transmissible through food.
- (2) The operator must exclude or restrict any personnel who has notified them, or who is reasonably suspected of having a notifiable disease, from activities in accordance with Section 92 of the Act.
- (3) A medical officer may remove an exclusion or restriction imposed under subsection (2).

Notification of medical officer

- 26** An operator must notify a medical officer if any personnel meet any of the following:

- (a) the person has been diagnosed with a notifiable disease or condition transmissible by food;
- (b) the person is known or suspected of being infected with a notifiable disease or condition transmissible by food;
- (c) the person has notified the operator under subsection 25(1).

Personnel policies and procedures

27 A food establishment must develop and demonstrate policies and procedures for personnel that ensure that a person entering a food handling area or engaging in an operation in a food establishment who comes into contact with food meets all of the following:

- (a) the person is clean and sanitary and shows good personal hygiene;
- (b) the person wears sanitary clothing and footwear;
- (c) the person takes adequate measures to prevent food from being contaminated by hair;
- (d) the person washes their hands as often as is necessary to prevent contamination of food;
- (e) the person removes any object or substance from their body that might fall into or otherwise contaminate food;
- (f) the person refrains from any behaviour or practice that risks contaminating food.

Food hygiene training

- 28** (1) An operator must successfully complete a food hygiene training program and provide proof of this to the Administrator upon request.
- (2) If an operator is absent from a food establishment, the operator must ensure that a member of the personnel who has successfully completed a food hygiene training program is present.
- (3) A person in a food establishment who comes into contact with food must be trained or instructed in food hygiene to a level appropriate to the activity that the person performs.

Controlling Hazards to Food Safety

Maintenance, cleaning, and sanitation programs

- 29** (1) An operator of a food establishment must have a maintenance, cleaning and sanitation program in place to control the risk of contamination of food, equipment, utensils and other facilities in the food establishment.

- (2) A maintenance, cleaning and sanitation program must include procedures to ensure that all of the following are done:
 - (a) the food establishment and equipment are maintained, cleaned and sanitized;
 - (b) insects, rodents and other pests are controlled;
 - (c) the effectiveness of the program is monitored;
 - (d) all waste streams in and surrounding the food establishment are managed.
- (3) A food establishment must provide facilities and equipment to implement the maintenance, cleaning and sanitation program and must identify in their program the cleaning and sanitizing agents used in the food establishment, including their concentration and uses.

Source and types of food

30 An operator must ensure that all food in their food establishment is obtained from a source that is subject to inspection or is food that is exempted by these regulations.

Control of meat

- 31** (1) Uninspected meats and meat products are not permitted in a food establishment.
- (2) If an operator who holds a permit is exempt from subsection (1) by the Administrator under subsection 3(3), an operator may have wildlife carcasses in a food establishment for the purpose of processing the meat from the wildlife carcass if all of the following conditions are met:
- (a) the wildlife carcass is clean, edible and will not contaminate other food, equipment or facilities;
 - (b) the wildlife carcass, or any part of it, is
 - (i) stored and processed so that it does not come into direct contact with other food; and
 - (ii) not processed in the same room of the food establishment at the same time as food that has been inspected or processed in accordance with these regulations;
 - (c) after the wildlife carcass is processed, all equipment is sanitized before being used for processing inspected meat;
 - (d) the operator keeps a record, in a manner prescribed by an inspector or the Administrator, of every wildlife carcass received by the food establishment;

- (e) the operator provides a record kept under clause (d) to an inspector or a conservation officer appointed under the *Wildlife Act* on their request.

32 [repealed]

Food temperature controls

- 33** (1) An operator must ensure that the temperature of food is controlled so that the food does not deteriorate or become inedible or unsafe.
- (2) The operator must ensure that all refrigeration and heat-holding equipment has a temperature measuring device that is accurate and in good repair.

Care of food and food ingredients

- 34** An operator must ensure that a food establishment is operated so that all food and food ingredients are processed, manufactured, handled, prepared, packaged, served, sold, offered for sale or distribution free of charge, dispensed, displayed and stored in a manner that prevents contamination and adulteration.

Quality assurance systems

- 35** (1) If directed by an inspector, a food establishment must have a quality assurance system in place that identifies, implements, monitors and verifies critical factors in the processing and preparation of food and that effectively prevents contamination or adulteration of food and ensures food safety.
- (2) A quality assurance system must do all of the following:
- (a) provide mechanisms to identify specific ingredients or food additives and the amounts used in a food;
 - (b) provide mechanisms to control the addition of food additives and nutrients to meet the requirements of the *Food and Drugs Act* (Canada);
 - (c) ensure that information on a food label is complete and accurately represents the food;
 - (d) ensure that controls are put in place to prevent food mislabelling.

Deviation or defect in quality assurance system

- 36** If directed by an inspector, a food establishment must have procedures in place for when a deviation or defect that could affect food safety occurs in their quality assurance program
- (a) to identify and evaluate food safety;
 - (b) to isolate foods; and
 - (c) that set out corrective actions to be taken and ensure that changes are made to the quality assurance system.

Maintenance of quality assurance system records

- 37** (1) If directed by an inspector, a food establishment must maintain records that demonstrate the quality assurance system used to ensure food safety in the processing or preparation of a food.
- (2) Records maintained under subsection (1) must be made available when requested by an inspector.

Serving and re-selling unused food

- 38** (1) A potentially hazardous food that is served or sold to a purchaser and is unused or returned by the purchaser must not be served again or resold.
- (2) A food may be served again or resold if it meets all of the following:
- (a) it is not potentially hazardous;
 - (b) it is individually packaged;
 - (c) it is unopened and in its original container.

Live animals not permitted in food establishments

- 39** (1) Except as otherwise permitted by this Section, an operator must not permit any live animal to be in a food establishment.
- (2) An operator may permit the following live animals to be in a food establishment in the circumstances indicated:
- (a) a service dog, if permitting the guide animal to enter does not pose a risk of contaminating the food; and
 - (b) edible fish, crustaceans, shellfish or live fish in an aquarium.
- (3) Other than during meals, pets are allowed in a common dining area of a day care, child-caring facility, nursing home or home for residential care, if all of the following requirements are met:
- (a) the common dining area is separated from all food storage and food preparation areas by partitions and self-closing doors;
 - (b) condiments, equipment and utensils are stored in enclosed cabinets or removed from the common dining area when a pet is present;
 - (c) after a pet has left the common dining area, the area, including tables, countertops and similar surfaces, is cleaned and sanitized before the next meal service.
- (4) An operator may allow dogs in an outdoor dining area if all of the following conditions for the outdoor dining area are met:

- (a) the area is not fully enclosed with floor to ceiling walls and the Department determines it is not part of the interior physical facility;
- (b) the area is equipped with an entrance that is separate from the main indoor entrance to the food establishment and patrons do not bring dogs through the indoor dining space to enter or exit the restaurant;
- (c) there are signs posted at each entrance to the area in such a manner as to be clearly observable by the public stating that dogs are allowed in the outdoor dining area and including the responsibilities of the pet owner under clauses (f), (g), (h) and (i);
- (d) food is not prepared, including mixing drinks and serving ice, in the outdoor dining area, except that a beverage glass may be filled from a pitcher or other container that has been filled or otherwise prepared inside the food establishment;
- (e) food establishment employees do not touch, pet or otherwise handle a dog
 - (i) while serving food or a beverage,
 - (ii) while handling tableware, or
 - (iii) before entering another part of the food establishment;
- (f) dogs do not have contact with reusable food service dishes or utensils;
- (g) dogs are not given any food, including dog kibbles, biscuits or edible treats, while in the area;
- (h) dogs are not on any seat, chair, patron's lap, table, countertop or similar surface in the outdoor dining area;
- (i) dogs are kept on a leash or within a pet carrier and are under the control of an adult at all times;
- (j) each table and chair in the area is sanitized after each use and spilled food and drink is removed from the floor or ground between seatings of patrons;
- (k) the establishment provides effective means for cleaning up dog vomitus and fecal matter.

40 [repealed]

41 [repealed]

Testing, Inspection and Contaminated Food

Sampling and testing food

- 42** (1) An inspector may require an operator to implement sampling and testing procedures to demonstrate any of the following:
- (a) that food is not contaminated;
 - (b) that an established procedure does not result in the adulteration of food; and
 - (c) that compositional standards set by government agencies and marketing boards are met.
- (2) Upon request of an inspector, the operator must provide the results of sampling and testing procedures from an accredited laboratory.

Inspector detaining and condemning foods

- 43** (1) An inspector who reasonably believes that a food in a food establishment is adulterated, contaminated or from an uninspected source must do one of the following:
- (a) detain the food and securely attach a hold tag bearing the words “Nova Scotia Held”;
 - (b) condemn the food and have it disposed of in a manner that is satisfactory to an inspector or the Administrator.
- (2) An inspector who detains a food may submit samples to an accredited laboratory for testing.

Provision of samples to an inspector

- 44** At the request of an inspector, an operator of a food establishment must, without charge, provide the inspector with samples of a food, ingredient, food additive, container or packaging material used or to be used in the manufacturing, processing or preparation of food, for the purposes of laboratory examination.

Recall of food

- 45** (1) If directed by an inspector or the Administrator, an operator must establish
- (a) a written procedure that ensures the timely and complete recall of any lot of a food; and
 - (b) a food distribution record to enable the operator to recall any lot of a food.
- (2) Food returned to a food establishment as part of a recall, may be held for disposal under the direction and supervision of an inspector.

Contaminated or adulterated food

- 46** An operator must not sell, offer for sale, supply, prepare, process, package, display, serve, dispense or store food that is contaminated or adulterated.

Packaging, Storing and Transporting Food

Labelling and packaging food

- 47** (1) An operator must ensure that all food in the food establishment is
- (a) labelled and identified as being from a source that is subject to inspection; or
 - (b) food that is exempted in accordance with Section 31.
- (1A)** Upon request of an inspector, an operator must provide proof of the source of food.
- (2)** An operator must
- (a) provide adequate food safety information to enable the purchaser to handle, store, process, prepare or display the food safely; and
 - (b) ensure that refrigerated, prepared ready-to-eat food that may be held for longer than 24 hours is clearly marked at the time it is prepared to indicate the date by which the food must be consumed.
- (3)** An operator must ensure that containers, materials, and procedures used for food packaging and labelling do all of the following:
- (a) prevent contamination of the food;
 - (b) provide an environment that adequately controls contamination;
 - (c) protect the food from damage likely to make the food inedible.

Storing and transporting food

- 48** (1) An operator must ensure that all food is stored and transported under conditions that do all of the following:
- (a) protect the food from contamination;
 - (b) provide an environment that adequately controls contamination;
 - (c) protect the food from damage likely to make the food inedible.
- (2)** A conveyance or container used that is used to transport or store food must be designed, constructed and maintained so that they do all of the following:
- (a) provide the food with adequate protection from contamination;

- (b) allow adequate cleaning and, if an inspector considers it necessary, sanitization;
 - (c) adequately maintain temperatures, relative humidity and other conditions necessary to protect food from contamination as a result of harmful microbiological growth;
 - (d) permit the adequate separation of different foods from one another and from non-food items if necessary.
- (3) An operator must ensure that all food received at their food establishment is transported in accordance with subsections (1) and (2).

Storing food ingredients and food packaging

- 49 (1) An operator must ensure that food ingredients and food packaging materials must be stored in a dry storage room or designated area that
- (a) protects the food ingredient or food packaging material from contamination; and
 - (b) provides an environment that is dry and in which moisture and humidity are controlled.
- (2) Before being placed in the dry storage room or designated area, opened packages of food ingredients and food packaging materials must be
- (a) transferred to clean, suitably covered containers or be sealed and securely closed; and
 - (b) clearly identified as to content.

Storage of articles not used in food preparation or processing

- 50 An operator must ensure that articles, equipment or materials not associated with the processing or preparation of food are stored
- (a) separately from areas where food is processed or prepared; and
 - (b) in a manner that does not contaminate food or food preparation areas.

51 [repealed]

52 [repealed]

Legislative History Reference Tables

Food Safety Regulations

N.S.
Reg. 206/2005

Health Protection Act

Note: The information in these tables does not form part of the regulations and is compiled by the Office of the Registrar of Regulations for reference only.

Source Law

The current consolidation of the *Food Safety Regulations* made under the *Health Protection Act* includes all of the following regulations:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
206/2005	Nov 1, 2005	date specified	Oct 28, 2005
114/2007	Apr 1, 2007	date specified	Mar 30, 2007
173/2008	Apr 1, 2008	date specified	Apr 18, 2008
114/2009	Apr 1, 2009	date specified	Apr 14, 2009
88/2011	Apr 1, 2011	date specified	Apr 15, 2011
114/2013	Apr 1, 2013	date specified	Apr 12, 2013
111/2015	Apr 1, 2015	date specified	Apr 8, 2015
101/2020	Jul 21, 2020	date specified	Aug 14, 2020
138/2020	Oct 1, 2020	date specified	Oct 23, 2020
52/2021	Mar 30, 2021	date specified	Apr 9, 2021
102/2022	May 17, 2022	date specified	Jun 3, 2022

The following regulations are not yet in force and are not included in the current consolidation:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
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*See subsection 3(6) of the *Regulations Act* for rules about in force dates of regulations.

Amendments by Provision

ad. = added
am. = amended

fc. = fee change
ra. = reassigned

rep. = repealed
rs. = repealed and substituted

Provision affected	How affected
2.....	am. 101/2020 (clause lettering removed)
2 , defn. of “accredited laboratory”...	ad. 101/2020
2 , defn. of “ adulteration”.....	am. 101/2020
2, defn. of “Department”.....	am. 101/2020
2, defn. of “ food bank”.....	ad. 101/2020
2, defn. of “ food hygiene”.....	rep. 101/2020
2, defn. of “ food hygiene training program”.....	ad. 101/2020
2, defn. of “hold tag”.....	ra. from 2, defn. of “official tag”
2, defn. of “inspected”.....	am. 101/2020
2, defn. of “low-risk food”.....	ad. 101/2020
2, defn. of “official tag”.....	ra. as 2, defn. of “hold tag”
2, defn. of “potable”.....	ad. 101/2020
2, defn. of “restaurant”.....	ad. 138/2020
2, defn. of “service dog”.....	ad. 101/2020
2, defn. of “smoke”.....	ad. 101/2020
2, defn. of “soup kitchen”.....	ad. 101/2020
3(1).....	am. 101/2020 (“premise” replaced with “premises” throughout)
3(1)(a)–(b).....	rs. 101/2020
3(1)(c).....	am. 101/2020
3(1)(d).....	rs. 101/2020
3(1)(f).....	rs. 101/2020
3(1)(fa).....	ad. 101/2020
3(1)(h)(i).....	am. 101/2020
3(1)(h)(ii).....	rs. 101/2020
3(1)(i).....	am. 101/2020
3(1)(j).....	rs. 101/2020
3(1)(k).....	rs. 101/2020
3(1)(l).....	ad. 101/2020
3(1)(m).....	ad. 101/2020
3(2).....	rep. 101/2020
4(1).....	am. 101/2020
5.....	rs. 114/2007, 173/2008, 114/2009, 88/2011, 114/2013; am. 111/2015, 183/2015, 101/2020
9.....	rs. 101/2020
9(2).....	fc. 114/2007, 173/2008, 114/2009, 88/2011, 114/2013, 111/2015

ad. = added
am. = amended

fc. = fee change
ra. = reassigned

rep. = repealed
rs. = repealed and substituted

Provision affected	How affected
11(1)(b).....	am. 101/2020
12(1).....	fc. 114/2007, 173/2008, 114/2009, 88/2011, 114/2013, 111/2015
16(2)–(3).....	am. 101/2020
17(2).....	fc. 114/2007, 173/2008, 114/2009, 88/2011, 114/2013, 111/2015
18.....	am. 101/2020
18A.....	ad. 101/2020
19(1)(d).....	rs. 101/2020
19(2).....	am. 101/2020
19(2)(d).....	rs. 101/2020
19(2)(e).....	am. 101/2020
19(3).....	rs. 101/2020
19(4).....	ad. 102/2022
21.....	rep. 101/2020
23(1).....	am. 101/2020
23(1)(a).....	am. 101/2020
23(3).....	am. 101/2020
25(1).....	am. 101/2020
28(1).....	am. 101/2020
28(2).....	am. 101/2020
28(3).....	rs. 101/2020
29(1)–(2).....	rs. 101/2020
29(3).....	am. 101/2020
31(2)(d).....	am. 101/2020
32.....	rep. 101/2020
34.....	rs. 101/2020
35(1).....	am. 101/2020
36.....	am. 101/2020
37(1).....	am. 101/2020
39(1).....	am. 101/2020, 52/2021
39(2).....	am. 101/2020
39(3).....	ad. 101/2020
39(4).....	ad. 52/2021
40.....	rep. 101/2020
41.....	rep. 101/2020

ad. = added
am. = amended

fc. = fee change
ra. = reassigned

rep. = repealed
rs. = repealed and substituted

Provision affected	How affected
42.....	ra. as 42(1) from 42
42(1).....	ra. from 42 as 42(1); am. 101/2020
42(2).....	ad. 101/2020
43(1).....	am. 101/2020
43(1)(a).....	am. 101/2020
43(1)(b).....	am. 101/2020
43(2).....	am. 101/2020
45(1).....	am. 101/2020
45(2).....	am. 101/2020
47(1).....	rs. 101/2020
47(1A).....	ad. 101/2020
51.....	rep. 101/2020
52.....	rep. 101/2020

Note that changes to headings are not included in the above table.

Editorial Notes and Corrections

Note	Effective date
1 The reference in s. 2(e) to the Department of Agriculture and Fisheries should be read as a reference to the Department of Agriculture in accordance with Order in Council 2006-121 under the <i>Public Service Act</i> , R.S.N.S. 1989, c. 376. (corrected by N.S. Reg. 101/2020)	Feb 24, 2006
2 The reference in s. 3(1)(j) to the Department of Health should be read as a reference to the Department of Health and Wellness in accordance with Order in Council 2011-15 under the <i>Public Service Act</i> , R.S.N.S. 1989, c. 376. (corrected by N.S. Reg. 101/2020)	Jan 11, 2011
3 The references to the Department of Tourism, Culture and Heritage in s. 3(1)(d) and (k) should be read as references to the Department of Economic and Rural Development and Tourism in accordance with Order in Council 2011-15 under the <i>Public Service Act</i> , R.S.N.S. 1989, c. 376.	Jan 11, 2011
4 The references to the Department of Tourism, Culture and Heritage in s. 3(1)(d) and (k) should be read as references to the Department of Business in accordance with Order in Council 2015-116 under the <i>Public Service Act</i> , R.S.N.S. 1989, c. 376, which assigns all affairs and matters previously assigned to the Department of	Apr 9, 2015

Note	Effective date
Economic and Rural Development and Tourism not specifically identified in the order to the Department of Business. (corrected by N.S. Reg. 101/2020)	
6 The reference in the definitions to the Department of Environment should be read as a reference to the Department of Environment and Climate Change in accordance with Order in Council 2021-60 under the <i>Public Service Act</i> , R.S.N.S. 1989, c. 376.	Feb 23, 2021

Repealed and Superseded

N.S.	Title	In force date	Repealed date
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Note: Only regulations that are specifically repealed and replaced appear in this table. It may not reflect the entire history of regulations on this subject matter.