



Français

Healthy Menu Choices Act, 2015

S.O. 2015, CHAPTER 7

SCHEDULE 1

Consolidation Period: From January 1, 2017 to the e-Laws currency date.

Last amendment: 2016, c. 5, Sched. 11.

Legislative History: [+]

Interpretation

1. (1) In this Act,

“chain of food service premises” means 20 or more food service premises in Ontario that operate under the same or substantially the same name, regardless of ownership, and that offer the same or substantially the same standard food items; (“chaîne de lieux de restauration”)

“food service premise” means any food premise within the meaning of the *Health Protection and Promotion Act* where meals or meal portions are prepared for immediate consumption or sold or served in a form that will permit immediate consumption on the premises or elsewhere; (“lieu de restauration”)

“Minister” means the Minister of Health and Long-Term Care or, if another member of the Executive Council is responsible for the administration of this Act, that Minister; (“ministre”)

“record” means any collection of information, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes any data that is recorded or stored on any medium in or by a computer system or similar device, as well as drawings, specifications or floor plans for an enclosed workplace; (“document”)

“regulated food service premise” means,

- (a) a food service premise that is part of a chain of food service premises, and
- (b) any other food service premise that may be provided for in the regulations; (“lieu de restauration réglementé”)

“regulations” means regulations made under this Act; (“règlements”)

“standard food item” means a food or drink item that is sold or offered for sale in servings that are standardized for portion and content, and that meets the additional requirements, if any, that may be specified in the regulations, but does not include any food or drink item that is exempted by the regulations. (“aliment normalisé”)

Franchisors, etc.

(2) For the purposes of this Act, a person who owns or operates a regulated food service premise means a person who has responsibility for and control over the activities carried on at a regulated food service premise, and may include a franchisor, a licensor, a person who owns or operates a regulated food service premise through a subsidiary and a manager of a regulated food service premise, but does not include an employee who works at a regulated food service premise but is not a manager.

Information to be displayed

2. (1) Every person who owns or operates a regulated food service premise shall ensure that there is displayed, in accordance with the requirements of this section, the following information:

- 1. The number of calories of every standard food item that is sold or offered for sale at the regulated food service premise.
- 2. Any other information required by the regulations. 2016, c. 5, Sched. 11, s. 1.

Where displayed, in regulated food service premise

(2) The information required to be displayed under subsection (1) with respect to a standard food item shall be displayed,

- (a) on each menu on which the standard food item is listed or depicted at the regulated food service premise; and
- (b) where the standard food item is put on display at the regulated food service premise, on a label or tag identifying the standard food item.

Where displayed, otherwise

(3) In addition to the display required under subsection (2), where a regulated food service premise lists or depicts a standard food item on a menu that is distributed or available outside the regulated food service premise, the information required to be displayed for the purposes of subsection (1) shall be displayed on that menu.

Application of subs. (1)

(4) The requirement under subsection (1) applies with respect to each variety, flavour and size of standard food item that is sold or offered for sale at the regulated food service premise.

Combination meals

(5) If a combination of standard food items is sold or offered for sale as a combination meal, the requirements under this section apply with respect to the combination meal as if the combination meal was also an individual standard food item.

Signs

(6) Every person who owns or operates a regulated food service premise shall ensure that there are publicly posted at the regulated food service premise, in a manner that is in accordance with the regulations, one or more signs that contain any caloric or nutritional information that may be required by the regulations.

How displayed

(7) The information required to be displayed for the purposes of this section shall be displayed in accordance with the rules provided for in the regulations.

What displayed

(8) For the purposes of this section, the number of calories of each standard food item shall be determined as provided for in the regulations.

Section Amendments with date in force (d/m/y) [+]**Inspectors**

3. (1) The Minister may appoint inspectors for the purposes of this Act.

Inspection

(2) For the purpose of determining whether this Act is being complied with, an inspector may, without a warrant, enter and inspect,

- (a) a regulated food service premise; or
- (b) any business premises of a company that owns, operates, franchises or licenses one or more regulated food service premises.

Time of entry

(3) The power under this section to enter and inspect without a warrant may be exercised only during the regular business hours of the regulated food service premise or business premises.

Dwellings

(4) The power to enter and inspect a regulated food service premise or business premises without a warrant shall not be exercised to enter and inspect a place or a part of a place that is used as a dwelling.

Use of force

(5) An inspector is not entitled to use force to enter and inspect a regulated food service premise or business premises.

Identification

(6) An inspector conducting an inspection shall produce, on request, evidence of his or her appointment.

Powers of inspector

(7) An inspector conducting an inspection may,

- (a) examine a standard food item, a record or any other thing that is relevant to the inspection;
- (b) demand the production of a standard food item, a record or any other thing that is relevant to the inspection;
- (c) remove a standard food item, a record or any other thing that is relevant to the inspection for review;
- (d) remove a record or any other thing that is relevant to the inspection for copying;
- (e) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place;
- (f) take photographs; and
- (g) question a person on matters relevant to the inspection.

Written demand

(8) A demand under this section that a standard food item, a record or any other thing be produced must be in writing and must include a statement of the nature of the standard food item, record or thing required.

Obligation to produce and assist

(9) If an inspector demands that a standard food item, a record or any other thing be produced under this section, the person who has custody of the standard food item, record or thing shall produce it and, in the case of a record, shall on request provide any assistance that is reasonably necessary to interpret the record or to produce it in a readable form.

Records and things removed from place

(10) A record or other thing that has been removed for review or copying,

- (a) shall be made available to the person from whom it was removed on request and at a time and place that are convenient for the person and for the inspector; and
- (b) shall be returned to the person within a reasonable time.

Copy admissible in evidence

(11) A copy of a record or other thing that purports to be certified by an inspector as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.

Obstruction

(12) No person shall hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with an inspector conducting an inspection, refuse to answer questions on matters relevant to the inspection or provide the inspector with false information on matters relevant to the inspection.

Offences

4. (1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and is liable,

- (a) in the case of an individual,
 - (i) for a first offence, to a fine of not more than \$500 for every day or part of a day on which the offence occurs or continues, and
 - (ii) for a second or subsequent offence, to a fine of not more than \$1,000 for every day or part of a day on which the offence occurs or continues; and
- (b) in the case of a corporation,
 - (i) for a first offence, to a fine of not more than \$5,000 for every day or part of a day on which the offence occurs or continues, and

- (ii) for a second or subsequent offence, to a fine of not more than \$10,000 for every day or part of a day on which the offence occurs or continues.

Duty of directors and officers

(2) A director or officer of a corporation that owns or operates a regulated food service premise shall take all reasonable care to ensure that this Act and the regulations are complied with.

Offence

(3) A person who has the duty imposed by subsection (2) and fails to carry it out is guilty of an offence and on conviction is liable to the penalty provided for in subsection (1).

Same

(4) A person may be prosecuted and convicted under subsection (3) even if the corporation has not been prosecuted or convicted.

Certain by-laws inoperative

5. A municipal by-law is inoperative to the extent it addresses caloric or nutritional information required to be displayed by food service premises.

Regulations

6. The Lieutenant Governor in Council may make regulations,

- (a) providing for anything that this Act describes as being provided for, required or specified in the regulations;
- (b) exempting food and drink items from the definition of "standard food item" and making such exemptions subject to compliance with the requirements, if any, provided for in the regulations;
- (c) further specifying or clarifying the meaning of "a person who owns or operates a regulated food service premise" for the purposes of this Act;
- (d) governing the information and signs that are required for the purposes of section 2;
- (e) exempting persons who own or operate regulated food service premises or classes of persons from any or all of the requirements of section 2, and making such exemptions subject to compliance with the requirements, if any, provided for in the regulations;
- (f) defining, for the purposes of this Act and its regulations, any word or expression used in this Act that has not already been expressly defined in this Act;
- (g) for carrying out the purposes, provisions and intent of this Act.

7. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT).

8. OMITTED (ENACTS SHORT TITLE OF THIS ACT).

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