

The Food Safety Regulations

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Chapter P-37.1 Reg 12 (effective May 7, 2009) as amended by
Saskatchewan Regulations [61/2016](#), [71/2018](#) and [38/2019](#).

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-37.1 REG 12
The Public Health Act, 1994

PART I
Preliminary Matters

Title

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

Interpretation

2(1) In these regulations:

(a) “**Act**” means *The Public Health Act, 1994*;

(a.1) “**animal**” means any animal in the class of mammals or birds that is slaughtered or processed as a meat product for human consumption;

(a.2) “**carcass**” means the edible portion of a slaughtered animal remaining after the animal has been dressed;

(a.21) “**commingled milk**” means the product realized by adding a supply of raw milk from one dairy farm to a supply of raw milk from one or more other dairy farms so that the milk included in the product that comes from any one dairy farm cannot be distinguished or separated from the milk from any of the other dairy farms;

(a.22) “**cultured milk product**” means a product realized by inoculating milk with a starter culture, and includes yogurt, buttermilk, sour cream and cottage cheese

(a.3) “**dress**” means, with respect to:

(i) a slaughtered food animal other than a pig, bird or goat:

(A) to remove the skin, head and developed mammary glands and the feet at the carpal and tarsal joints;

(B) to eviscerate; and

(C) except in the case of a sheep, calf or domesticated rabbit, to split;

(ii) a slaughtered pig:

(A) to remove:

(I) the hair, toenails and developed mammary glands; or

(II) the things set out in paragraph (i)(A); and

(B) to eviscerate;

(iii) a slaughtered bird:

(A) to remove the feathers, head, the feet at the tarsal joints and the uropygial gland; and

(B) to eviscerate;

- (iv) a slaughtered goat:
 - (A) to remove:
 - (I) the hair, head, toenails and developed mammary glands; or
 - (II) the things set out in paragraph (i)(A); and
 - (B) to eviscerate;
- (b) **“food bank”** means a non-profit organization that:
 - (i) operates exclusively to provide food to persons in need;
 - (ii) provides food for consumption by such persons off the organization’s premises; and
 - (iii) does not process food;
- (c) **“food facility”** means a public eating establishment, a milk plant, a processing facility or a slaughter plant;
- (d) **“food vending machine”** means any self-service device that on insertion of a coin, coins or tokens automatically dispenses unit servings of:
 - (i) pre-packaged food or drink; or
 - (ii) hot beverages;
- (d.1) **“home food processor”** means a person who processes or otherwise prepares low risk food in his or her home or residence for sale in accordance with Part III.1;
- (d.101) **“H.T.S.T.”** means high temperature, short time;
- (d.11) **“livestock”** means any cattle or other animal of the bovine species, horse or other animal of the equine species, bison, sheep, goat, swine, rabbit or any interspecies hybrid of any of those animals, and includes a domestic game farm animal as defined in *The Domestic Game Farm Animal Regulations*;
- (d.2) **“low risk food”** means food that is not potentially hazardous food;
- (d.21) **“manufactured milk product”** includes butter, frozen desserts, cheese, sterilized (UHT) milk, dried milk solids and any product made principally from dried milk solids, but does not include cottage cheese;
- (d.3) **“meat”** means the flesh of any animal or any product of it intended for human consumption;
- (d.4) **“meat product”** means:
 - (i) the edible part of an animal carcass that is muscle associated with the skeleton, tongue, diaphragm, heart, gizzard or mammalian esophagus, with or without accompanying and overlying fat, together with those parts of the bones, skin, sinews, nerves, blood vessels and other tissues that normally accompany the muscle and are not ordinarily removed in dressing a carcass;
 - (ii) the blood or edible by-product of an animal, including edible organs; and
 - (iii) a product containing anything described in subclause (i) or (ii);

(d.41) “**milk plant**” means a building where milk is pasteurized, and includes facilities where:

- (i) milk is received, processed, cooled, stored or packaged;
- (ii) milk products are produced; or
- (iii) milk is otherwise prepared for sale for human consumption;

but does not include an establishment that is registered with and subject to inspection by the Government of Canada or an agency of that government;

(d.42) “**milk product**” includes vitamin-fortified milk, cultured milk products, flavoured milk products, ice cream mix, ice milk mix, reconstituted milk, concentrated milk and other products made wholly or principally from milk, but does not include manufactured milk products or milk for manufactured milk products;

(e) **Repealed.** 2019 SR 61/2019 s4.

(f) “**operator**” includes owner;

(f.1) “**pasteurize**” means to heat every particle of milk to a temperature and for a time that is sufficient to destroy pathogenic micro-organisms or to treat milk by any other process approved by the local authority that is equally effective in destroying pathogenic micro-organisms;

(g) “**pest**” means:

- (i) a cockroach, fly or other insect;
- (ii) a rodent or other vermin; or
- (iii) any other form of animal life that has a deleterious effect on the sanitary operation or maintenance of a food facility;

(h) “**potentially hazardous food**” means food with a pH level or a water activity level, or a combination of pH level and water activity level, that will support the growth of pathogenic micro-organisms or the production of toxins;

(h.1) “**poultry**” means any species of bird that is slaughtered for human consumption;

(i) “**pre-packaged food**” means food that was already packaged when the person who is selling the food obtained it and is sold in that state;

(j) “**processing facility**” means an establishment or part of an establishment in which food or water intended for consumption by the public is prepared, processed, packaged or sold in a form not intended for immediate consumption, but does not include:

- (i) a slaughter plant;
- (ii) a registered establishment as defined in the *Meat Inspection Act* (Canada);
- (iii) a domestic abattoir or a domestic processing facility as defined in *The Meat Inspection (Saskatchewan) Regulations* with respect to which there is a valid licence issued pursuant to those regulations;

- (iv) a milk plant;
 - (v) an establishment that is registered pursuant to the *Canada Agricultural Products Act*;
 - (vi) an establishment that irradiates food;
 - (vii) an establishment that is registered with and subject to inspection by the Government of Canada or an agency of that government;
 - (viii) an establishment that produces food additives, vitamins, minerals, natural health products or other substances that are regulated pursuant to the *Food and Drugs Act* (Canada);
 - (ix) a retail or wholesale establishment that does not prepare or process food for sale;
 - (x) a water supply that is regulated pursuant to *The Health Hazard Regulations* or regulations made pursuant to *The Environmental Management and Protection Act, 2010*;
 - (xi) an establishment whose only function is to warehouse or store food or water;
 - (xii) a water vending machine that uses water from a supply regulated pursuant to *The Health Hazard Regulations* or regulations made pursuant to *The Environmental Management and Protection Act, 2010*;
 - (xiii) an alcohol production facility; or
 - (xiv) a home food processor;
- (k) **“sell”** includes offer for use or sale;
- (k.1) **“slaughter”** means slaughter for the purpose of processing meat from animals into food for human consumption;
- (k.2) **“slaughter area”** means an area of the slaughter plant in which animals are slaughtered and dressed;
- (k.3) **“slaughter plant”** means a facility where animals are slaughtered and includes any part of a facility where:
- (i) animals are received, kept or handled before they are slaughtered;
 - (ii) slaughtered animals are dressed;
 - (iii) meat products are produced, packaged, labelled, handled, stored, distributed or sold;
- (l) **“water”** means:
- (i) water dispensed or intended to be dispensed by a public eating establishment;
 - (ii) bottled water; or
 - (iii) water used as an ingredient or otherwise in the operation of a food facility;

and includes ice.

(2) In applying these regulations to a food facility or a proposed food facility, a reference to “the local authority” is a reference to the local authority of the jurisdictional area in which the food facility is, or is to be, located.

15 May 2009 cP-37.1 Reg 12 s2; 8 Jly 2016 SR 61/2016 s3; 5 Oct 2018 SR 71/2018 s3; 17 May 2019 SR 38/2019 s3.

Application

2.1 These regulations do not apply to the slaughter of animals owned by an operator of a livestock or poultry operation for consumption by that person or by that person’s immediate family.

5 Oct 2018 SR 71/2018 s4.

PART II

Approval of Food Facilities and Licensing of Public Eating Establishments, Milk Plants and Slaughter Plants

Interpretation of Part

3 In this Part, “**licence**” means a licence required pursuant to section 5.

15 May 2009 cP-37.1 Reg 12 s3.

Construction, alteration, etc. - approval required

4(1) No person shall construct, extend, renovate or alter a public eating establishment, a milk plant or a slaughter plant unless the person has received approval from the local authority to do so.

(2) Subsection (1) does not apply to:

- (a) routine maintenance; or
- (b) construction, extension, renovation or alteration that does not affect the quantity or type of food or drink being prepared or the manner in which food or drink is prepared.

15 May 2009 cP-37.1 Reg 12 s4; 17 May 2019 SR 38/2019 s4.

Licence required

5(1) Subject to subsection (2), no person shall operate a public eating establishment, a milk plant or a slaughter plant unless the person holds a valid licence for the public eating establishment, milk plant or slaughter plant.

(2) Subsection (1) does not apply to:

- (a) a personal care home that is licensed pursuant to *The Personal Care Homes Act* with an authorized capacity of 20 or fewer residents;
- (b) a facility that is designated as a special-care home pursuant to *The Facility Designation Regulations* and that provides for the care and accommodation of 20 or fewer residents;

- (c) a residential-service facility that is licensed pursuant to *The Residential Services Act* that provides for the care and accommodation of 20 or fewer residents;
 - (d) an approved private-service home for which a certificate of approval is issued pursuant to *The Residential Services Act* with a rated bed capacity of 20 or fewer residents;
 - (e) a mental health approved home as defined in *The Mental Health Services Act*;
 - (f) a child care centre or a group family child care home that is licensed pursuant to *The Child Care Act, 2014*;
 - (g) a food vending machine;
 - (h) a food bank;
 - (i) a public eating establishment that is exempted in writing by a local authority pursuant to subsection (3);
 - (j) a registered establishment as defined in the *Safe Food for Canadians Act* (Canada); or
 - (k) a domestic abattoir or a domestic processing facility as defined in *The Meat Inspection (Saskatchewan) Regulations* with respect to which there is a valid licence issued pursuant to those regulations.
- (3) A local authority may exempt a public eating establishment or class of public eating establishments from the application of subsection (1) if the local authority is of the opinion that:
- (a) licensing of the public eating establishment or class of public eating establishments is not necessary because of:
 - (i) the limited quantities of food or drink being prepared, served or sold;
 - (ii) the types of food or drink being prepared, served or sold; or
 - (iii) the manner in which food or drink is being prepared, served or sold; or
 - (b) it is in the public interest to do so.
- (4) An exemption granted pursuant to subsection (3) must be in writing.

15 May 2009 cP-37.1 Reg 12 s5; 8 Jly 2016 SR 61/2016 s5;
5 Oct 2018 SR 71/2018 s6; 17 May 2019 SR 38/2019 s5.

Application for licence

- 6(1)** An applicant for a licence must:
- (a) submit an application to the local authority; and
 - (b) provide any information or material relevant to the application that is requested by the local authority.
- (2) A local authority, after receiving and reviewing an application and any other information or material requested by the local authority or that the local authority considers relevant, must:
- (a) issue or renew the licence; or

- (b) refuse to issue or renew the licence if, in the opinion of the local authority:
 - (i) the application is incomplete or contains false or misleading information;
 - (ii) the public eating establishment, milk plant or slaughter plant is being operated in a manner that is contrary to these regulations; or
 - (iii) it is in the public interest to do so.
- (3) A local authority must notify an applicant in writing of its decision made pursuant to subsection (2).
- (4) A local authority may impose any terms and conditions on a licence that the local authority considers appropriate.

15 May 2009 cP-37.1 Reg 12 s6; 5 Oct 2018 SR 71/2018 s7; 17 May 2019 38/2019 s7.

Compliance with licence

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

15 May 2009 cP-37.1 Reg 12 s7.

Period of validity

8 Subject to section 11, a licence for a public eating establishment, a milk plant or a slaughter plant is valid:

- (a) for a period of one year from the date on which it is issued; or
- (b) for any lesser period set out in the licence.

5 Oct 2018 SR 71/2018 s8; 17 May 2019 SR 38/2019 s8.

Licence not transferable

9 A licence is not transferable.

15 May 2009 cP-37.1 Reg 12 s9.

Licence to be displayed

10 The operator of a public eating establishment, a milk plant or a slaughter plant shall ensure that a valid licence for the public eating establishment, the milk plant or the slaughter plant is displayed in a conspicuous place in the facility where it may easily be seen by customers of that facility.

17 May 2019 SR 38/2019 s9.

Amending, suspending or cancelling licence

11 Subject to *The Public Health Appeals Regulations*, a local authority may amend, suspend or cancel a licence if, in the opinion of the local authority, the licensee:

- (a) has contravened the Act or these regulations or a term or condition of the licence; or
- (b) is operating a public eating establishment, a milk plant or a slaughter plant in a manner that is injurious to or may endanger the public health.

15 May 2009 cP-37.1 Reg 12 s11; 5 Oct 2018 SR 71/2018 s10; 17 May 2019 SR 38/2019 s10.

Further information or material

12(1) At any time, a local authority may require an applicant or licensee to submit to the local authority any further information or material that the local authority may reasonably require.

(2) No applicant or licensee who receives a request from a local authority pursuant to subsection (1) shall fail to comply with that request within the period specified by the local authority.

15 May 2009 cP-37.1 Reg 12 s12.

**PART III
Standards for Food Facilities**

**DIVISION 1
Physical Environment and Equipment**

Buildings

13 An operator of a food facility must ensure that any building used as premises for a food facility:

- (a) is designed:
 - (i) to facilitate cleaning; and
 - (ii) to prevent the entry and harbourage of pests; and
- (b) unless otherwise exempted in writing by the local authority:
 - (i) is supplied with hot and cold water that is safe for human consumption and is available in sufficient quantities and under sufficient pressure to meet the needs of the food facility;
 - (ii) is connected to a lawful and properly operating sewage containment or disposal system;
 - (iii) is equipped with lighting that is adequate in intensity to enable the sanitary operation and maintenance of the slaughter and food areas; and
 - (iv) is equipped with a properly operating means of providing ventilation to the slaughter and food areas that are subject to the generation or accumulation of odours, fumes, steam, vapours, smoke or excessive heat.

15 May 2009 cP-37.1 Reg 12 s13; 5 Oct 2018 SR 71/2018 s11.

Access to certain areas restricted

14 Unless otherwise approved by the local authority, an operator of a food facility must ensure that only those persons who work in the food facility have free and continuous access to areas where animal slaughter or dressing and food processing, storage, preparation and packaging take place within the food facility.

5 Oct 2018 SR 71/2018 s12.

Prohibited use of food areas

15 An operator of a food facility must ensure that rooms in the food facility that are used for storing, preparing, processing or consuming food intended for sale are not used as sleeping quarters.

15 May 2009 cP-37.1 Reg 12 s15.

Items in contact with food

16 An operator of a food facility must ensure that all utensils and equipment used in the food facility, and all surfaces in the food facility that come into contact with food, are entirely made from materials that are suitable for their intended purpose, durable, easily cleanable and free from any undesirable substance.

15 May 2009 cP-37.1 Reg 12 s16.

Refrigeration, hot food storage

17 An operator of a food facility in which potentially hazardous foods are stored, prepared, processed, packaged, dispensed, sold or served must provide refrigeration units and hot food holding units in sufficient numbers and of sufficient capacity to ensure that the potentially hazardous foods are kept at the temperatures required by section 23.

15 May 2009 cP-37.1 Reg 12 s17.

Cleaning schedule

18 An operator of a food facility must:

- (a) establish a written cleaning schedule for the food facility;
- (b) ensure that the food facility is cleaned in accordance with the cleaning schedule; and
- (c) make the cleaning schedule available to the local authority on request.

15 May 2009 cP-37.1 Reg 12 s18.

DIVISION 2
Handling, Preparation, Storage and Sale of Food and Water

General duty

19(1) Every person who prepares, stores, cooks, processes, dispenses, transports, serves or sells food or drink that is intended for consumption by the public must ensure that the food or drink is prepared, stored, cooked, processed, dispensed, transported, served or sold:

(a) in a manner that will prevent or minimize the risk of illness, poisoning or injury to the public; and

(b) in a sanitary manner and under sanitary conditions.

(2) Subject to *The Health Hazard Regulations, The Environmental Management and Protection Act, 2010* and the regulations made pursuant to that Act, every person who processes, dispenses, transports, serves or sells water that is intended for consumption by the public must ensure that the water is processed, dispensed, transported, served or sold:

(a) in a manner that will prevent or minimize the risk of illness, poisoning or injury to the public; and

(b) in a sanitary manner and under sanitary conditions.

(3) Every person who slaughters or dresses animals that are intended for consumption by the public shall ensure that the animals are slaughtered or dressed:

(a) in a manner that will prevent or minimize the risk of illness, poisoning or injury to the public; and

(b) in a sanitary manner and under sanitary conditions.

(4) Subject to subsection (5), an operator of a slaughter plant shall ensure that animals that are unfit for slaughter are not permitted entry into the slaughter plant and that any part, blood or by-product of those animals is not used in any way for human consumption.

(5) The carcass of any animal that was unfit for slaughter and that was euthanized must be buried, incinerated or disposed of by any other method to the satisfaction of the local authority.

15 May 2009 cP-37.1 Reg 12 s19; 8 Jly 2016 SR
61/2016 s6; 5 Oct 2018 SR 71/2018 s13.

Protection against contamination

20(1) An operator of a food facility must ensure that food and water is at all times protected against:

(a) cross-contamination; and

(b) potential contamination:

(i) by pests;

(ii) resulting from contact with unclean equipment or utensils;

(iii) resulting from unnecessary handling;

- (iv) resulting from flooding, drainage problems, overhead leakage or condensation; and
 - (v) by any other agent of public health significance.
- (2) Without limiting the generality of subsection (1), an operator of a food facility must ensure that detergents, disinfectants, pesticides and other poisonous materials are stored, labelled and used in a manner that does not contribute to contamination of food or water by those materials.
- (3) Without limiting the generality of subsection (1), where, in a food facility, a customer has access to food or water that is not specifically intended for him or her, the operator must ensure that the food or water is presented or made available in a manner that effectively minimizes manual contact by customers and contamination by any other means.
- (4) An operator of a food facility must ensure that a written record of all pest control measures used in the food facility is maintained.

15 May 2009 cP-37.1 Reg 12 s20.

Waste materials

- 21(1)** An operator of a food facility must ensure that any filth, grease, spilled material, garbage or other waste:
- (a) is not allowed to accumulate; and
 - (b) is disposed of in a manner approved by the local authority.
- (2) An operator of a slaughter plant must ensure that, unless otherwise approved by the local authority:
- (a) hides are stored in a room constructed and maintained in the slaughter plant for that purpose; and
 - (b) all hides, waste, manure and offal are not allowed to accumulate and are disposed of in a manner approved by the local authority.

15 May 2009 cP-37.1 Reg 12 s21; 5 Oct 2018 SR 71/2018 s14.

Food sources

- 22(1)** Unless exempted in writing by the local authority, an operator of a food facility must ensure that foods that are intended to be sold to the public, and ingredients that will be used in the preparation or processing of foods that are intended to be sold to the public, are:
- (a) liable under law to inspection by:
 - (i) the Government of Saskatchewan or an agency of that Government;
 - (ii) the Government of Canada or an agency of that Government;
 - (iii) the governments of other provinces or territories of Canada or an agency of any of those governments; or
 - (iv) a local authority; or

- (b) obtained from sources that are subject to inspection by:
 - (i) the Government of Saskatchewan or an agency of that Government;
 - (ii) the Government of Canada or an agency of that Government;
 - (iii) the governments of other provinces or territories of Canada or an agency of any of those governments; or
 - (iv) a local authority.
- (2) Subject to subsection (3), an operator of a food facility must maintain an up-to-date record of the names and addresses of all sources of foods and ingredients to which subsection (1) applies, and make the record available to the local authority on request.
- (3) An operator of a food facility must maintain the record mentioned in subsection (2) for a period of two years after the foods to which subsection (1) applies are sold to the public.

15 May 2009 cP-37.1 Reg 12 s22; 8 Jly 2016 SR 61/2016 s7.

Potentially hazardous food

- 23(1)** An operator of a food facility must ensure that:
 - (a) potentially hazardous food that is stored or displayed in the operator's food facility before it is sold 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 in the operator's food facility to monitor the temperature of potentially hazardous food.
- (2) Unless exempted in writing by the local authority, a person who transports potentially hazardous food intended for sale must ensure that the food is kept at a temperature of 4°C or less or 60°C or greater.

15 May 2009 cP-37.1 Reg 12 s23.

Recall of food or water

- 24(1)** If an operator of a processing facility, a milk plant or a slaughter plant has reason to believe that a lot of food or water processed in the processing facility, milk plant or slaughter plant may be unsafe for human consumption, the operator must, as soon as possible after becoming aware of the problem:
 - (a) recall the lot of food or water if it has been distributed to the public, to a food processor or to a retail or wholesale establishment; and
 - (b) notify the local authority and the Canadian Food Inspection Agency of the recall.
- (2) An operator of a processing facility, a milk plant or a slaughter plant must maintain a written record of the details relating to the recall, and make the record available to the local authority or the Canadian Food Inspection Agency on request.

15 May 2009 cP-37.1 Reg 12 s24; 5 Oct 2018 SR 71/2018 s15; 17 May 2019 SR 38/2019 s11.

DIVISION 2.1
Milk and Milk Products

Prohibited sources of milk

24.1 No person shall sell, offer for sale, give or exchange milk that is:

- (a) obtained from an animal that is affected by a disease or condition that may render the milk unfit for human consumption; or
- (b) obtained from an animal within the period that begins 15 days before the animal gives birth and ends three days after the animal gives birth.

17 May 2019 SR 38/2019 s12.

Quality of milk to be pasteurized

24.11(1) No person who operates a milk plant shall pasteurize, for the purpose of sale or offering for sale for human consumption, milk that:

- (a) has greater than 50,000 mesophilic aerobic bacteria colony forming units per millilitre or greater than 121,000 total bacteria per millilitre; and
- (b) in the case of milk:
 - (i) from cows:
 - (A) contains a maximum somatic cell count of 400,000 somatic cells per millilitre; and
 - (B) has a freezing point above -0.525° Hortvet or -0.507° Celsius;
 - (ii) from goats:
 - (A) contains a maximum somatic cell count of 1,500,000 somatic cells per millilitre; and
 - (B) has a freezing point above -0.554° Hortvet or -0.535° Celsius; or
 - (iii) from animals other than those mentioned in clauses (b) and (c), satisfies the standards established by the local authority.

(2) No person who operates a milk plant shall pasteurize, for the purpose of sale or offering for sale for human consumption, milk that contains inhibitor and drug residues, as measured in accordance with methods approved by Health Canada, that exceed the Maximum Residue Levels set out in the regulations made pursuant to the *Food and Drugs Act* (Canada).

(3) A local authority may, at any time, require the operator of a milk plant to submit to the local authority the results of any analyses required to comply with subsections (1) and (2).

(4) An operator of a milk plant must maintain a record of the results mentioned in subsection (3) for a period of two years after the date on which the analyses were done.

17 May 2019 SR 38/2019 s12.

Quality of milk and milk products to be sold

24.2 No person who operates a milk plant shall cause or permit milk or a milk product to be offered for sale, sold or distributed for human consumption that:

- (a) with the exception of cultured milk products, has a mesophyllic aerobic bacterial content greater than 25,000 colony-forming units per milliliter;
- (b) has a coliform bacterial content greater than one bacteria per milliliter in fluid form or 10 coliform bacteria per milliliter in non-liquid form;
- (c) has been subjected to the phosphatase test and has a positive reaction to the test; or
- (d) has been adulterated with a product or substance that renders the milk or milk product unsafe for human consumption.

17 May 2019 SR 38/2019 s12.

Pasteurization

24.21 A person who operates a milk plant shall ensure that:

- (a) all milk and milk products intended for human consumption that contain less than 10% milk fat are pasteurized:
 - (i) by the batch method, whereby every particle of milk or milk product is heated to a temperature of not less than 63°C for at least 30 minutes and then immediately cooled; or
 - (ii) by the H.T.S.T. method, whereby every particle of milk or milk product is heated to temperature of not less than 72°C for at least 16 seconds and then immediately cooled;
- (b) all milk and milk products intended for human consumption that contain 10% or more milk fat and all flavoured milk products other than egg nog are pasteurized:
 - (i) by the batch method, whereby every particle of the milk or milk product is heated to a temperature of not less than 66°C for at least 30 minutes and then immediately cooled; or
 - (ii) by the H.T.S.T. method, whereby every particle of the milk or milk product is heated to a temperature of not less than 75°C for at least 16 seconds and then immediately cooled; and
- (c) all ice cream mix, ice milk mix and egg nog are pasteurized:
 - (i) by the batch method, whereby every particle of the milk product is heated to a temperature of not less than 69°C for at least 30 minutes and then immediately cooled; or
 - (ii) by the H.T.S.T method, whereby every particle of the milk product is heated to a temperature of not less than 80°C for at least 25 seconds and then immediately cooled.

17 May 2019 SR 38/2019 s12.

Equipment in a milk plant

24.3 A person who operates a milk plant shall ensure that:

- (a) all equipment used in pasteurizing, processing and storing milk or milk products is designed, fabricated, installed and maintained in a manner that will prevent contamination of the milk or milk products;
- (b) all instruments used to measure pasteurization temperatures and times are maintained, tested and recalibrated to ensure their accuracy; and
- (c) the milk plant is provided with product-cooling equipment that has sufficient capacity to cool milk or milk products to a temperature of 4°C or less before processing and during storage.

17 May 2019 SR 38/2019 s12.

Testing by laboratory

24.31 For the purpose of determining whether the standards for the quality of milk set out in sections 24.11 and 24.2 are being met, a person who operates a milk plant shall:

- (a) at weekly intervals or as directed by the local authority, submit for testing samples of each type of milk or milk product regularly processed by the milk plant to a laboratory approved by the local authority; and
- (b) at monthly intervals or as directed by the local authority, submit for testing samples of commingled milk to a laboratory approved by the local authority.

17 May 2019 SR 38/2019 s12.

Testing by milk plant

24.4 A person who operates a milk plant shall:

- (a) conduct tests on each batch of milk or milk product pasteurized or to be pasteurized by the plant to ensure that the standards for the quality of milk set out in sections 24.11 and 24.2 are met;
- (b) maintain a record of the test results for a period of one year; and
- (c) make the test results available to the local authority on request.

17 May 2019 SR 38/2019 s12.

Test methods

24.41 Tests required for the purposes of sections 24.31 and 24.4 must be conducted in accordance with the latest edition of *Standard Methods for the Examination of Dairy Products* published by the American Public Health Association or by another method approved by the local authority.

17 May 2019 SR 38/2019 s12.

P-37.1 REG 12**FOOD SAFETY****Storing and transporting milk**

24.5(1) A person who operates a milk plant shall ensure that milk and milk products, while in the person's possession, are stored and transported at a temperature of 4°C or lower.

(2) A person who operates a milk plant shall ensure that vehicles used for transporting milk or milk products, while in the person's possession:

- (a) are constructed and operated to protect the contents from exposure to excessive heat, cold or contamination; and
- (b) are kept clean.

17 May 2019 SR 38/2019 s12.

Recall from market

24.6 A person who operates a milk plant shall develop a plan to recall milk or milk products from the retail market effectively and quickly, and implement the plan:

- (a) if required to do so by the local authority; or
- (b) if the person who operates the plant has reason to believe that the milk or milk product does not meet the standards for the quality of milk or milk products set out in section 24.2.

17 May 2019 SR 38/2019 s12.

DIVISION 3
Personnel

Training generally

25 An operator of a food facility must ensure that employees are adequately trained to handle food safely within the food facility.

15 May 2009 cP-37.1 Reg 12 s25.

Food safety training

26(1) Unless exempted in writing by the local authority, an operator of a public eating establishment must ensure that a person who has successfully completed a food safety course that is approved by the local authority is working in the public eating establishment at all times when food is being prepared and served.

(2) A local authority may require the operator of a food facility or other person who handles, processes, prepares, packages, sells or stores food to attend and successfully complete a food safety course that is approved by the local authority, if, in the opinion of the local authority, the food facility is operated in a manner that is injurious to or may endanger the public health.

15 May 2009 cP-37.1 Reg 12 s26; 8 Jly 2016 SR 61/2016 s8.

Personal cleanliness and hygiene

27 An operator of a food facility must ensure that all persons working in the food facility:

- (a) observe high standards of personal cleanliness and proper hygiene; and
- (b) engage in safe food-handling practices that will prevent the contamination of food and surfaces that come in contact with food.

15 May 2009 cP-37.1 Reg 12 s27.

Persons with communicable diseases

28 Unless exempted in writing by the local authority, an operator of a food facility must ensure that persons in the following categories do not work in the food facility in any capacity in which the persons might contaminate food or surfaces that come in contact with food or might transmit disease to other persons:

- (a) persons who are infected with a communicable disease that can be transmitted by food;
- (b) persons who are carriers of a communicable disease that can be transmitted by food;
- (c) persons with an infection on the skin, an acute respiratory infection or gastrointestinal illness.

15 May 2009 cP-37.1 Reg 12 s28.

PART III.1
Home Food Processors

Restriction - low risk food

28.1 A home food processor must ensure that he or she produces or otherwise processes only low risk food for sale.

8 Jly 2016 SR 61/2016 s9.

Water must be safe

28.2 A home food processor must ensure that the water used in his or her premises is safe for human consumption.

8 Jly 2016 SR 61/2016 s9.

Labelling requirements

28.3(1) A home food processor must label any low risk food that he or she intends to sell in accordance with the requirements set out in subsection (2).

(2) A label with respect to low risk food mentioned in subsection (1) must:

- (a) be, minimally, in 12-point font;

- (b) contain the following statement:
“Made in a Home Kitchen That is Not Inspected by a Government Agency”;
and
 - (c) contain the name of the low risk food, the name of the home food processor, including any business name, the home food processor’s address and telephone number and the date on which the low risk food was produced or processed.
- (3) Low risk food must not be sold or resold without the label described in subsection (2).

8 Jly 2016 SR 61/2016 s9.

Lab testing

28.4(1) A local authority may, at any time, require a home food processor to do any or all of the following:

- (a) submit food samples to a laboratory acceptable to the local authority for analysis for any or all of the following purposes:
 - (i) to determine that the food is not contaminated;
 - (ii) to determine whether the food is low risk food;
 - (iii) to have the samples undergo any other test the local authority may reasonably require in order to determine the quality of the food;
 - (b) submit to the local authority the results of any of the analyses mentioned in clause (a);
 - (c) submit to the local authority any other information or material that the local authority may reasonably require.
- (2) No home food processor who receives a request from a local authority pursuant to subsection (1) shall fail to comply with that request within the period set by the local authority.

8 Jly 2016 SR 61/2016 s9.

Permitted sales

28.5 A home food processor may sell low risk food directly to the consumer or to a retail or wholesale establishment that does not prepare or process food for sale.

8 Jly 2016 SR 61/2016 s9.

Prohibited sales

28.6 No home food processor shall sell low risk food to any of the following:

- (a) facilities that are designated as hospitals pursuant to *The Facility Designation Regulations*;
- (b) facilities that are designated as health centres pursuant to *The Facility Designation Regulations*;

- (c) facilities that are designated as special-care homes pursuant to *The Facility Designation Regulations*, with an authorized capacity of more than 20 residents;
- (d) personal care homes that are licensed pursuant to *The Personal Care Homes Act*, with an authorized capacity of more than 20 residents;
- (e) child care centres within the meaning of *The Child Care Act, 2014*;
- (f) food facilities.

8 Jly 2016 SR 61/2016 s9.

Food safety course

28.7 No home food processor shall fail to ensure that a person who has successfully completed a food safety course that is approved by the local authority is working in the premises of the home food processor at all times when low risk food is being prepared or processed.

8 Jly 2016 SR 61/2016 s9.

PART IV

Public Access to Restaurant and Slaughter Plant Information

Interpretation of Part

29 In this Part:

- (a) **“de-identified information”** means personal information or personal health information from which any information that may reasonably be expected to identify a third party has been removed;
- (b) **“information”** means, with respect to a restaurant or a slaughter plant:
 - (i) whether or not:
 - (A) a licence has been issued pursuant to the Act or these regulations for the restaurant or slaughter plant and, if a licence has been issued, the terms and conditions of the licence; or
 - (B) a licence issued for the restaurant or slaughter plant has been amended, suspended or cancelled;
 - (ii) information collected by a local authority during the investigation of a complaint, illness or injury concerning the restaurant or slaughter plant related to food;
 - (iii) the contents of any inspection report made pursuant to the Act or these regulations concerning the restaurant or slaughter plant;
 - (iv) the contents of any order issued pursuant to the Act or these regulations concerning the restaurant or slaughter plant;

(v) information related to an order issued or enforcement action taken by the local authority pursuant to the Act or these regulations concerning the restaurant or slaughter plant;

(vi) any charges laid or convictions obtained with respect to the operation of the restaurant or slaughter plant pursuant to the Act or these regulations; and

(vii) with respect to a slaughter plant, any information relating to the matters set out in subclause (i) to (vi) authorized by the ‘Sanitation Regulations’, being Saskatchewan Regulations 420/64, as those regulations existed on the day before the coming into force of *The Food Safety (Slaughter Plants) Amendment Regulations, 2018*;

(c) **“personal health information”** means personal health information as defined in *The Health Information Protection Act*;

(d) **“personal information”** means personal information within the meaning of section 24 of *The Freedom of Information and Protection of Privacy Act* or section 23 of *The Local Authority Freedom of Information and Protection of Privacy Act*;

(e) **“restaurant”** means a public eating establishment:

(i) that is open on a regular basis to members of the general public; and

(ii) where food or drink is sold to members of the general public, and payment is made:

(A) on receipt of the food or drink; or

(B) immediately before or after the food or drink is made available;

but does not include a public eating establishment that is exempted pursuant to subsection 5(2), or for which an exemption has been granted pursuant to subsection 5(3), from the requirement to have a licence.

(f) **“third party”** means, in relation to a restaurant, a person who is not an owner or operator of the restaurant or employed in, or associated with, the operation of the restaurant.

15 May 2009 cP-37.1 Reg 12 s29; 5 Oct 2018 SR
71/2018 s17.

Public access to information

30(1) Subject to section 31, a local authority may in accordance with this section provide public access to information with respect to a restaurant or a slaughter plant.

(2) Subject to subsection (3), a person may apply to obtain, and a local authority is required to provide public access to, the information concerning a restaurant or a slaughter plant that covers the matters mentioned in subclauses 29(b)(i) to (vi) only with respect to the period that commenced on the day that is three years before the date of the application.

(3) A local authority may provide all or part of any information concerning a restaurant or a slaughter plant that covers matters before the period mentioned in subsection (2) if the local authority:

- (a) believes public access to that information, or that part of the information, is in the public interest; or
- (b) receives written permission from the operator of the restaurant or slaughter plant to provide public access to the information or that part of the information.

(4) An applicant for public access shall pay a fee of \$30 to the local authority to obtain the information for each restaurant or slaughter plant to which the application relates.

(5) Subject to section 31, the minister may provide public access to information with respect to a restaurant or slaughter plant.

(6) Nothing in this section prohibits a local authority or the minister from making all or any part of the information concerning a restaurant or a slaughter plant available to the public through a website or other electronic means.

5 Oct 2018 SR 71/2018 s18.

Information re third parties

31 When a local authority or the minister discloses information pursuant to this Part and that information includes personal information or personal health information with respect to a third party:

- (a) the local authority or the minister shall not disclose the personal information or personal health information if de-identified information will accomplish the purpose for which the information is being disclosed; and
- (b) if disclosure of personal information or personal health information is necessary to accomplish the purpose for which the information is being disclosed, the local authority or the minister shall disclose only the minimum amount of personal information or personal health information that is necessary to accomplish that purpose.

15 May 2009 cP-37.1 Reg 12 s31.

PART V Food Safety Information

Interpretation of Part

32 In this Part:

- (a) **“food safety information”** means:
 - (i) processing facility information;
 - (ii) public eating establishment information;
 - (ii.1) home food processor information;

- (ii.2) slaughter plant information;
- (ii.3) milk plant information;
- (iii) information collected by a local authority during the investigation of a complaint, illness, or injury related to food;
- (iv) the contents of any inspection report made pursuant to the Act or these regulations;
- (v) the contents of any order issued pursuant to the Act or these regulations;
- (vi) information related to an order issued or enforcement action taken by the local authority pursuant to the Act or these regulations; and
- (vii) any charges laid, or convictions obtained pursuant to the Act or these regulations;

(a.1) **“home food processor information”** means:

- (i) the name and telephone number of the home food processor;
- (ii) the address of the home food processor;
- (iii) the date on which the operation of the home food processor commenced;
- (iv) the sources and types of low risk food being prepared, processed, stored or sold in the premises of the home food processor;
- (v) the food safety training taken by a person working in the premises of the home food processor; and
- (vi) any other information related to the safety of food or water that the local authority may specify;

(a.2) **“milk plant information”** means any information mentioned in section 34.2;

(b) **“processing facility information”** means any information mentioned in section 33;

(c) **“public eating establishment information”** means any information mentioned in section 34;

(d) **“slaughter plant information”** means any information mentioned in section 34.1.

Provision of processing facility information to local authority

33 A local authority may require the operator of a processing facility to provide the following information to the local authority within a period set by the local authority:

- (a) the name and telephone number of the operator or owner of the processing facility;
- (b) the address of the processing facility;
- (c) the date on which the operation of the processing facility commenced;
- (d) the sources and types of food being processed in the processing facility;
- (e) the methods of processing being used in the processing facility;
- (f) the methods of transporting food from the processing facility;
- (g) the food safety training taken by the employees and operator of the processing facility;
- (h) the programs carried out in the processing facility for:
 - (i) maintaining general sanitation;
 - (ii) controlling pests; and
 - (iii) carrying out food or water recalls;
- (i) any other information related to the safety of food or water that the local authority may specify.

15 May 2009 cP-37.1 Reg 12 s33.

Provision of public eating establishment information to local authority

34 A local authority may require the operator of a public eating establishment to provide the following information to the local authority within a period set by the local authority:

- (a) the name and telephone number of the operator or owner of the public eating establishment;
- (b) the address of the public eating establishment;
- (c) the date on which the operation of the public eating establishment commenced;
- (d) the sources and types of food being prepared, kept, served, or sold in the public eating establishment;
- (e) the food safety training taken by the employees and operator of the public eating establishment;

- (f) the programs carried out in the public eating establishment for:
 - (i) maintaining general sanitation; and
 - (ii) controlling pests;
 - (iii) **Repealed.** 8 Jly 2016 SR 61/2016 s12.
- (g) any other information related to the safety of food or water that the local authority may specify.

15 May 2009 cP-37.1 Reg 12 s34; 8 Jly 2016 SR 61/2016 s12; 17 May 2019 SR 38/2019 s13.

Slaughter plant to provide information to local authority annually

34.1(1) The operator of a slaughter plant shall provide the local authority with the following information annually, as part of the operator's application for the renewal of its licence:

- (a) the number of animals of each species of domestic animal slaughtered during the previous year;
 - (b) the number of carcasses of each species that were custom cut and wrapped during the previous year;
 - (c) the number of animals of each species processed and sold through retail markets during the previous year;
 - (d) any other information related to the marketing and distribution of meat products that the local authority may specify.
- (2) For the purposes of clause (1)(c), the operator of a slaughter plant shall include the number of animals of each species sold directly to the public in the information to be provided to the local authority.

5 Oct 2018 SR 71/2018 s20.

Provision of milk plant information to local authority

34.2 A local authority may require the operator of a milk plant to provide any milk plant information related to the safety of food or water that the local authority may specify within a period set by the local authority.

17 May 2019 SR 38/2019 s14.

Disclosure of food safety information to certain agencies

35(1) A local authority may, for a purpose related to food safety, communicable disease control or public health protection, disclose food safety information:

- (a) to another local authority;
- (b) to the ministry;

- (c) to a ministry, department or agency of:
 - (i) the government of another province or territory of Canada;
 - (ii) the Government of Saskatchewan; or
 - (iii) the Government of Canada; or
 - (d) to a ministry, department or agency of the government of any other jurisdiction.
- (2) The ministry may, for a purpose related to food safety, communicable disease control or public health protection, or for a purpose related to programs or activities of a local authority or a government institution within the meaning of *The Freedom of Information and Protection of Privacy Act*, disclose food safety information:
- (a) to a local authority;
 - (b) to another ministry, department or agency of:
 - (i) the government of another province or territory of Canada;
 - (ii) the Government of Saskatchewan; or
 - (iii) the Government of Canada; or
 - (c) to a ministry, department or agency of the government of any other jurisdiction.

15 May 2009 cP-37.1 Reg 12 s35; 8 Jly 2016 SR
61/2016 s13.

PART VI Repeal, Transitional and Coming into Force

R.R.S. c.P-37 Reg 7 repealed

36 *The Bakeshop Regulations, 1986* are repealed.

15 May 2009 cP-37.1 Reg 12 s36.

R.R.S. c.P-37 Reg 3 repealed

37 *The Public Eating Establishments Regulations* are repealed.

15 May 2009 cP-37.1 Reg 12 s37.

Sask. Reg. 420/64 repealed

37.1 The “Sanitation Regulations”, being Saskatchewan Regulations 420/64, are repealed.

5 Oct 2018 SR 71/2018 s21.

RRS c P-37.1 Reg 5 repealed

37.2 *The Milk Pasteurization Regulations* are repealed.

17 May 2019 SR 38/2019 s15.

Transitional

38 A licence issued pursuant to any of the regulations mentioned in section 36 or 37 that is valid on the day before these regulations come into force is continued as a licence pursuant to these regulations until the earlier of:

- (a) the expiry date set out in the licence; and
- (b) one year from the day on which these regulations come into force.

15 May 2009 cP-37.1 Reg 12 s38.

Transitional – licences issued pursuant to the “Sanitation Regulations”

38.1 A licence issued pursuant to the regulations mentioned in section 37.1 that is valid on the day before the coming into force of *The Food Safety (Slaughter Plants) Amendment Regulations, 2018* is continued as a licence pursuant to these regulations until the expiry date set out in the licence.

5 Oct 2018 SR 71/2018 s22.

Transitional – licences issued pursuant to *The Milk Pasteurization Regulations*

38.2 A licence issued pursuant to *The Milk Pasteurization Regulations* that is valid on the day before the coming into force of *The Food Safety (Milk Pasteurization) Amendment Regulations, 2019* is continued as a licence pursuant to these regulations until the earlier of:

- (a) the expiry date set out in the licence; and
- (b) one year after the day on which *The Food Safety (Milk Pasteurization) Amendment Regulations, 2019* come into force.

17 May 2019 SR 38/2019 s16.

Coming into force

39 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

15 May 2009 cP-37.1 Reg 12 s39.