



Province of Alberta

PUBLIC HEALTH ACT

FOOD REGULATION

Alberta Regulation 31/2006

With amendments up to and including Alberta Regulation 63/2020

Current as of June 1, 2020

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 63/2020)

ALBERTA REGULATION 31/2006

Public Health Act

FOOD REGULATION

Table of Contents

Interpretation

- 1 Interpretation
- 2 Application

Part 1

Permits and Operation under Permit

- 3 Requirement for permit
- 4 Permits
- 5 Permit information
- 6 Notification by permit holder
- 7 Term and duration
- 8 Permit fee exemptions
- 9 Terms and conditions
- 10 Non-transferability
- 11 Suspension
- 12 Cancellation
- 13 Notification
- 14 Display

Part 2

Commercial Food Establishments

- 15 Food handling permit
- 16 Approval of plans and specifications
- 17 General construction requirements
- 18 Equipment, utensil and food surface requirements
- 19 Basic operating requirements
- 20 Storage of articles and materials
- 21 Pests and control measures
- 22 Requirement to obtain certain food from approved sources
- 23 Contamination and unfitness for human consumption
- 24 Processing
- 25 Storage, display and transportation

- 26 Transportation, storage or distribution units
- 27 Previously served food
- 28 Facilities, equipment and utensils - post-construction
- 29 Sanitation procedures
- 30 Food handlers - hygiene and health
- 31 Food safety training
- 32 Live animals

Part 3 Farmers' Markets

- 33 Farmers' market permit
- 34 General building requirements
- 35 Regular duties of permit holder
- 36 Stallholder requirements

Part 4 Special Events and Temporary Food Establishments

- 37 Notification of special event
- 38 Responsibility of organizer
- 39 Notification regarding temporary food establishment
- 40 Additional responsibilities of organizer
- 41 Temporary food establishment requirements
- 42 Food handling requirements
- 42.1 Low-risk home-prepared food
- 43 Food handler requirements
- 44 Additional temporary food establishment requirements
- 45 Education

Part 5 Community Organization Functions

- 46 Interpretation
- 47 Notification of community organization function
- 48 Duration of function
- 49 Food handling requirements
- 50 Education

Part 6 Bed and Breakfasts

- 51 Requirement for permit
- 52 Food handling requirements

Part 6.1
Low-risk Home-prepared Food

- 52.1** Handling of low-risk home-prepared food
52.2 Food handling requirements

Part 7
Transitional, Repeal, Expiry
and Coming into Force

- 53** Transitional
54 Repeal
55 Expiry
56 Coming into force

Interpretation

Interpretation

1(1) In this Regulation,

- (a) “abattoir” means an abattoir within the meaning of the *Meat Inspection Regulation* (AR 42/2003);
- (b) “Act” means the *Public Health Act*;
- (c) “approved food establishment” means a food establishment in respect of which a food handling permit has been issued by a regional health authority;
- (d) “bake sale” means the sale of low risk foods by a community organization exclusively for the purpose of raising funds for the operation of the community organization or for another charitable purpose, but does not include a bake sale operated as part of a special event;
- (e) “bed and breakfast” means a private dwelling occupied by the owner or operator that offers overnight lodging and meals, for a fee, to no more than 8 registered guests at one time;
- (f) “commercial caterer” means a person who handles food for the purpose of serving the food at varying locations for some form of compensation;
- (g) “commercial food establishment” means a food establishment that is neither specifically exempt from the operation of this Regulation nor dealt with in Part 3, 4, 5, 6 or 6.1;

- (h) “community organization” means a non-profit organization, including but not limited to a community association, service club, multicultural association, church, school, sports team or recreational club;
- (i) “community organization function” means an occasional function open to the general public at which food is provided for attendees by volunteer caterers, where the function is run by a community organization exclusively for the purpose of raising funds for the operation of the community organization or for another social or charitable purpose, including but not limited to community sports events, fall harvest suppers and wild game dinners, but does not include a community organization function operated as part of a special event;
- (j) “container” means a receptacle or covering used to contain, cover, package or wrap food;
- (k) “contamination” means
 - (i) foreign matter, including filth or a pest,
 - (ii) poisonous substances, disease-causing micro-organisms or parasites, or toxins, or
 - (iii) any substance that might render food unsafe for human consumption;
- (l) “equipment” means any appliance, apparatus or device that is or may be used in the operation or maintenance of a food establishment, but does not include utensils;
- (m) “executive officer” means an executive officer within the meaning of section 9 or 16 of the Act;
- (n) “farmers’ market” means a food establishment whose proposed operation has been approved by the Minister responsible for agriculture as an approved farmers’ market program under the administration of that Minister’s department;
- (o) “farmers’ market permit” means a permit issued or renewed under Part 1 for the operation of a farmers’ market;
- (p) “food” means any substance, including water and ice, intended for use in whole or in part for human consumption, but does not include a drug, medication or health related product regulated under the *Pharmaceutical Profession Act* or the *Food and Drugs Act* (Canada);

- (q) repealed AR 2/2020 s2;
- (r) “food establishment” means a place where food is handled;
- (s) “food handler” means an individual who handles food, utensils or equipment;
- (t) “food handling area” means the area in a food establishment where food is handled and includes all equipment and utensils in the area;
- (u) “food handling permit” means a permit for the operation of a commercial food establishment issued or renewed under Part 1;
- (v) “handle” means, in relation to food, the supply, sale, offering for sale, processing, preparation, packaging, providing, display, service, dispensing, storage or transportation of any food that is intended for public consumption;
- (w) “handwashing station” means a station that is equipped with a hand basin and hot and cold running water and that, in its immediate vicinity,
 - (i) has a dispenser for the provision of soap or is otherwise provided with soap in a container, and
 - (ii) has a method of hand drying that uses single service products or a mechanical hand dryer;
- (x) “high-risk food” means a food with a pH level or a water activity level, or a combination of pH and water activity levels, that will support the growth of pathogenic micro-organisms or the production of their toxins;
- (y) “low-risk food” means a food with a pH level or a water activity level, or a combination of pH and water activity levels, that generally, without the need for temperature control, will not support the growth of pathogenic micro-organisms or the production of their toxins;
- (y.1) “low-risk home-prepared food” means low-risk food that
 - (i) is only processed, prepared, packaged or labelled by an individual in that individual’s private dwelling, and
 - (ii) does not contain any meat, poultry, seafood or unpasteurized milk;

- (y.2) “low-risk home-prepared food operator” means an individual who processes, prepares, packages or labels low-risk home-prepared food;
- (z) “meat inspection legislation” means the *Meat Inspection Act* or the *Meat Inspection Act* (Canada) and the regulations under either of them, as the case may be;
- (aa) “mobile food establishment” means a commercial food establishment that is movable and capable of being operated in varying locations;
- (bb) “mobile work camp kitchen” means a mobile food establishment used for the handling of food at a work camp;
- (cc) “nuisance” means a condition that is or might become injurious or dangerous to the public health, or that might hinder in any manner the prevention or suppression of disease;
- (dd) “operator” means the person who manages or directs the handling of food in a food establishment, and includes an owner as defined in the Act;
- (ee) “permit” means a food handling permit or a farmers’ market permit issued or renewed under Part 1;
- (ff) “pest” means
 - (i) rodents, cockroaches, flies or other insects or other vermin, and
 - (ii) any other animals that are potentially destructive to the sanitary operation or maintenance of a food establishment;
- (gg) “place” includes any location, including, without limitation,
 - (i) a premises,
 - (ii) a vehicle, and
 - (iii) an outdoor area;
- (hh) “potluck” means a gathering of individuals where some or all of the attendees bring food to be shared with the other attendees at no cost to the attendees and includes, without limitation, company or church picnics and neighbourhood block parties;

- (ii) “pre-packaged food” means food that was already packaged when the person who is selling the food obtained it;
- (jj) “processing” means transforming food and includes, without limitation, the thawing, heating, cutting, cooking, smoking, chilling, reheating, salting, canning, freezing and pasteurizing of food;
- (kk) “Province” means the Province of Alberta;
- (ll) “regional health authority” means a regional health authority established under the *Regional Health Authorities Act*;
- (mm) “restricted function” means a function that is
 - (i) run by a community organization or an individual exclusively for the benefit of the members of the organization or the individual’s family, and
 - (ii) not open to the general public,
where attendance is by personal invitation and food is provided for attendees by volunteer caterers, including, without limitation, meetings, retreats and family reunions;
- (nn) “sanitary” means free from contamination;
- (oo) “sanitize” means to treat in such a way as to reduce the micro-organism population to a level that does not constitute an unsanitary condition;
- (pp) “serve” includes dispense, supply, feed, sell, distribute or provide in any manner;
- (qq) “service animal” means an animal that is specifically trained or being trained for the purpose of providing assistance to persons with disabilities;
- (rr) “single service” means designed to be used only once and then discarded;
- (ss) “social care facility” means an operation that provides care to children or adults who require special care and includes, without limitation, a day care, a family day home, nursery school and an adult group home;
- (tt) “special event” means an event open to and where food is made available to the general public that operates for not more than 15 days within a calendar year in any one

health region and includes, without limitation, fairs, festivals, exhibitions, promotional events and carnivals;

- (uu) “stallholder” means a person who rents space at a farmers’ market;
- (vv) “temporary food establishment” means a food establishment that operates exclusively at special events, but does not include a food establishment where low-risk home-prepared food is handled in accordance with section 42.1;
- (ww) “utensils” means kitchenware, tableware, cutlery and other similar items used in the processing, serving or consuming of food;
- (xx) “volunteer caterer” means a food handler who provides food for community organization functions and restricted functions and who receives no or at most nominal compensation for doing so;
- (yy) “work camp” means a work camp within the meaning of the *Work Camps Regulation* (AR 218/2002).

(2) For the purposes of this Regulation, all food in a food establishment is deemed to be intended for public consumption unless it is clearly segregated and is identified to the satisfaction of the executive officer

- (a) as being held for return to an identified supplier or owner,
- (b) for disposal, or
- (c) for the personal use of the operator, food handlers or employees working in the food establishment.

(3) For the purposes of this Regulation,

- (a) references to performing an activity are deemed to include omitting to act, and
- (b) references to any place where an activity takes place are to be taken to include references to any place in, on or from which that activity takes place.

AR 31/2006 s1;2/2020;63/2020

Application

2(1) In this Regulation,

- (a) Part 2 applies to commercial food establishments,

- (b) Part 3 applies to farmers' markets,
- (c) Part 4 applies to special events,
- (d) Part 5 applies to community organization functions,
- (e) Part 6 applies to bed and breakfasts, and
- (f) Part 6.1 applies to the handling of low-risk home-prepared food.

(2) This Regulation does not apply to food handling for the purpose of operating

- (a) a bake sale,
- (b) a restricted function,
- (c) a potluck,
- (d) a private dwelling where food is handled for consumption by the residents of the dwelling and their guests,
- (e) a social care facility that provides care to no more than 10 people,
- (f) a vending machine that dispenses pre-packaged food or food supplied by a commissary or depot that warehouses food for vending machines and which is identified on a food handling permit,
- (g) a dairy manufacturing plant licensed under the *Dairy Industry Act*,
- (h) a facility subject to licensing or inspection under the applicable meat inspection legislation, including an abattoir,
- (i) a business that exclusively sells liquor or liquor related products, excluding ice that is not pre-packaged, under a licence issued under the *Gaming, Liquor and Cannabis Act*,
- (i.1) any portion of a business that sells cannabis or cannabis accessories, but no other food, under a licence issued under section 90.02 of the *Gaming, Liquor and Cannabis Act*,
- (i.2) any business whose activities are authorized under a licence or permit issued under section 62 of the *Cannabis Act* (Canada),

- (j) a farm selling unprocessed horticultural products, when the products come from a farmer's farm and the sale is conducted by the farmer from the farm,
- (k) a place registered with the Canadian Food Inspection Agency,
- (l) a business that provides customers with complimentary low risk foods but is not otherwise engaged in food handling, or
- (m) any other operation or event that is specified by the Minister in writing.

(3) Notwithstanding subsection (2) or any other exemption under this Regulation, no food handling is exempt from the operation of this Regulation if, in the opinion of the regional health authority, the exemption would or is likely to create a nuisance.

(4) If a regional health authority has decided under subsection (3) that food handling that would otherwise be exempt from the operation of this Regulation would or is likely to create a nuisance, the regional health authority, in addition to any other remedy provided under the Act or regulations, may by order establish in what respect and to what extent the provisions of this Regulation apply to the food handling.

(5) A decision of a regional health authority under subsection (3) or an order made by the regional health authority under subsection (4) may be appealed to the Public Health Appeal Board in accordance with section 5 of the Act.

(6) The *Food Retail and Foodservices Code* prepared and published by the Department and dated October 2003 is hereby adopted as amended from time to time and forms part of this Regulation.

AR 31/2006 s2;13/2018;63/2020

Part 1

Permits and Operation under Permit

Requirement for permit

- 3(1)** No person shall operate a food establishment unless
- (a) the person is an operator who holds a valid and subsisting permit for the operation of the food establishment, and
 - (b) the food establishment is identified on the permit as approved by the regional health authority that issued the permit.

(2) Subject to section 2(2) and Parts 3, 4, 5 and 6.1, no person shall handle food except in an approved food establishment.

(3) Notwithstanding subsection (1), a permit is not required for

- (a) the operation of
 - (i) a community organization function,
 - (ii) a business that provides individually portioned samples of a particular food at no charge for the purpose of promoting the sale of that food,
 - (iii) a stall at a farmers' market, or
 - (iv) a temporary food establishment at a special event, or
- (b) the handling of low-risk home-prepared food.

(4) An operator whose activities are exempt under subsection (3) from the permit requirements of this Regulation must ensure that all food handling complies with the relevant provisions of this Regulation.

AR 31/2006 s3;63/2020

Permits

4(1) An application for a permit must be made to the regional health authority in whose health region the applicant proposes to handle food.

(2) An application for a permit must be in writing in the form required by the regional health authority and must

- (a) identify the food establishment that the applicant proposes to operate,
- (b) identify the operator, and
- (c) provide any other information required by the regional health authority including, without limitation, information regarding any vehicles that are an integral part of the food handling operation.

(3) A regional health authority may at any time require an applicant to provide it with further information respecting the application.

(4) A regional health authority must issue a permit to an applicant after

- (a) receiving the properly completed application,

- (b) receiving the permit fee in the amount set by the Minister, and
 - (c) being satisfied that the proposed operator and food establishment meet the applicable requirements of this Regulation.
- (5) A regional health authority must establish a system and rules for renewals of permits and those rules must include the requirement to pay to the regional health authority the renewal fee in the amount set by the Minister, and any other direction given by the Minister.
- (6) A permit that approves and authorizes the operation of a mobile food establishment
- (a) is valid across the Province, and
 - (b) may be issued by any regional health authority in whose health region the mobile food establishment or establishments operates.
- (7) A permit may approve and authorize the operation of only one food establishment.
- (8) Where a person operates more than one mobile work camp kitchen within the jurisdiction of a single regional health authority, notwithstanding subsection (7), one permit from that authority covers all of those mobile work camp kitchens in that jurisdiction to the extent that a mobile work camp kitchen has not provided services to or remained located at any one particular work camp in that jurisdiction for a continuous period of 12 months that expires at any time within the term of the permit.

Permit information

- 5(1)** A regional health authority must ensure that each permit granted by it
- (a) states the name of the operator,
 - (b) identifies the location of the food establishment approved under the permit,
 - (c) states the term for which the permit has been granted, and
 - (d) is signed by an executive officer.
- (2) In addition to the requirements of subsection (1), where a permit applies to a mobile food establishment that is a vehicle as

defined in the *Traffic Safety Act*, the permit must identify the vehicle that is used.

AR 31/2006 s5;63/2020

Notification by permit holder

6 A permit holder must notify the regional health authority that issued the permit in writing regarding

- (a) any change in the information provided in the application for the permit, or
- (b) any change in the operation of or major renovations or alterations to the food establishment in respect of which the permit was issued.

Term and duration

7(1) The term of a permit must not exceed a period of one year.

(2) A permit is valid until the end of its term unless the permit is suspended under section 11 or cancelled under section 12.

(3) Notwithstanding subsections (1) and (2), on the death of an operator who held a valid and subsisting permit under this Regulation, the deceased's legal personal representative may continue to operate the food establishment in respect of which the permit was issued for a period of 12 months following the date of death if

- (a) the regional health authority is notified of the death,
- (b) the permit renewal fee is paid prior to the expiry date of the original permit, and
- (c) the food establishment is operated in accordance with this Regulation and any conditions to which the permit is subject.

Permit fee exemptions

8(1) An operator is exempt from paying the permit issue or renewal fee if the operator

- (a) operates an organization that is registered as a charitable organization under the *Income Tax Act* (Canada),
- (b) sells only pre-packaged low-risk foods,
- (c) operates a social care facility that provides care to more than 10 people,

- (d) operates a bed and breakfast, or
- (e) is specified in writing by the Minister as exempt.

(2) The regional health authority may exempt an operator from payment of the permit issue or renewal fee if it considers the exemption appropriate.

Terms and conditions

9(1) A regional health authority may make the issue or renewal of a permit subject to

- (a) restrictions on the type of food that, or the manner in which any type of food, may be served, manufactured, processed or stored, and
- (b) any other terms and conditions the regional health authority considers to be appropriate.

(2) The terms and conditions must be stated on the permit.

(3) The regional health authority may recall a permit and add to, delete or vary the terms and conditions to which a permit is subject.

(4) An operator must ensure that the terms and conditions of the permit are not contravened.

(5) A person who carries on any activity under the purported authority of a permit must comply with the terms and conditions of the permit.

(6) A regional health authority that issues a permit to a commercial caterer must include as a condition on the permit the requirement that all food handling must occur in an approved food establishment except for the serving of the food.

Non-transferability

10 Subject to section 7(3), a permit is not transferable.

Suspension

11 A regional health authority may suspend a permit where it considers that

- (a) there is an unsanitary condition in the food establishment, or
- (b) there has been a contravention of the Act, an order under section 62 of the Act, the regulations under the Act or a

term or condition of a permit, whether or not the permit holder has been prosecuted in respect of the contravention.

Cancellation

12(1) A regional health authority may cancel a permit where

- (a) the permit is under suspension and the conditions that led to the suspension are not rectified within a reasonable time after the suspension,
- (b) the approved food establishment is no longer operated at the premises where the permit indicates the food establishment is to be operated,
- (c) the operator that is identified on the permit ceases to be the operator of the approved food establishment,
- (d) there has been a contravention of the Act, an order under section 62 of the Act, the regulations under the Act or a term or condition of a permit, whether or not the permit holder has been prosecuted in respect of the contravention, or
- (e) the operator applies to have the permit cancelled.

(2) A permit remains the property of the regional health authority that issued or renewed it.

(3) If a permit is suspended or cancelled, the operator must return the permit to the regional health authority that suspended or cancelled it.

(4) A permit issued to a mobile food establishment may be suspended or cancelled by any regional health authority in whose region the mobile food establishment operates.

(5) If a permit that has been issued to a mobile food establishment is suspended or cancelled by a regional health authority other than the authority that issued or renewed it, the authority that suspended or cancelled the permit must notify the authority that issued or renewed it in writing of the suspension or cancellation.

Notification

13(1) Where an application for a permit or a renewal is refused, the regional health authority must

- (a) notify the applicant in writing of that fact, and

(b) return the permit issue or renewal fee, as the case may be, to the person who paid it.

(2) Where a permit is suspended or is cancelled, the authority must notify the operator of that fact, stating the reasons for the suspension or cancellation.

(3) A notice of suspension or cancellation of a permit must be in writing and is not valid unless signed by an executive officer.

Display

14(1) An operator must ensure that the permit is displayed in a conspicuous place in the approved food establishment where it may be easily seen by persons served.

(2) A commercial caterer must ensure that the permit is available for inspection by an executive officer.

Part 2 Commercial Food Establishments

Food handling permit

15(1) The operator of a commercial food establishment must apply for a food handling permit in accordance with Part 1 of this Regulation.

(2) An operator must ensure that the operation and maintenance of the commercial food establishment is conducted in accordance with this Part.

Approval of plans and specifications

16 A person must not construct or make alterations to a commercial food establishment unless plans and specifications for the construction or alterations, as the case may be, have been approved by the executive officer.

General construction requirements

17(1) An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment

- (a) is of sound construction and in a good state of repair,
- (b) is designed so as to facilitate the effective cleaning and sanitizing of it and of all equipment, utensils and surfaces with which food comes into contact in it,

- (c) is designed so as to ensure the safe and sanitary handling of food in it,
- (d) has all its food handling areas separated from living quarters and from other areas where activities are carried out that are incompatible with the safe and sanitary handling of food,
- (e) has handwashing stations that are adequate in number and situated so as to ensure convenient access by all food handlers, and
- (f) is
 - (i) supplied with hot and cold running water that is safe for human consumption and available in quantities sufficient to meet the needs of the commercial food establishment,
 - (ii) connected to a lawful and properly operating sewage disposal system,
 - (iii) equipped with lighting that is adequate in intensity to enable the sanitary operation and maintenance of the food handling areas, and
 - (iv) equipped with a properly operating means of providing ventilation to food handling areas that are subject to the generation or accumulation of odours, fumes, steam, vapours, smoke or excessive heat.

(2) Subject to subsection (2.1), the operator must ensure that the commercial food establishment is constructed to control the entry of pests.

(2.1) The operator of a mobile food establishment or a commercial food establishment that includes an outdoor food handling area must ensure that the mobile food establishment or outdoor food handling area is constructed to reasonably control the entry of pests.

(3) Nothing in this Part is to be construed as setting aside or limiting any requirements of the *Alberta Building Code* or the *Occupational Health and Safety Act* and the regulations under that Act.

(4) The executive officer may approve alternative arrangements for the requirements of subsection (1)(f) if in the opinion of the executive officer the alternative arrangements will not impair the safe and sanitary operation and maintenance of the commercial food establishment.

AR 31/2006 s17;63/2020

Equipment, utensil and food surface requirements

18 An operator must ensure that

- (a) all equipment and utensils used in the commercial food establishment and all surfaces in it with which food comes into contact are entirely constructed or manufactured from materials that are suitable for their intended purpose, durable, easily cleanable and free from any undesirable substance, and
- (b) all refrigeration and hot holding equipment used in the commercial food establishment is
 - (i) of a type and capacity that are adequate to meet the needs of the commercial food establishment,
 - (ii) capable of maintaining the respective temperatures required by section 25, and
 - (iii) equipped with an accurate thermometer.

Basic operating requirements

19 A person must not operate a commercial food establishment unless

- (a) all the requisite plans and specifications referred to in section 16 for the commercial food establishment have been approved by the executive officer, and
- (b) it is constructed and maintained in accordance with that approval.

Storage of articles and materials

20(1) All articles and materials in a commercial food establishment that are not associated with or required for the operation or maintenance of the food areas must be stored separately from the food and the food areas and in a manner that contaminates neither.

(2) All chemicals, cleansers and other similar agents associated with or required for the operation or maintenance of the food areas must be stored

- (a) in containers that are not intended to be used to store food and that are clearly labelled to identify their contents, and
- (b) in such a manner as to prevent the contamination of any food or food area.

Pests and control measures

21(1) Subject to subsection (1.1), a commercial food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests.

(1.1) The following must be kept reasonably free of pests and of conditions that lead to the harbouring or breeding of pests:

- (a) any surrounding area, premises or facilities supporting a commercial food establishment, including any outdoor food handling areas of the commercial food establishment;
- (b) a mobile food establishment.

(2) A written record of all pest control measures used in the commercial food establishment and surrounding area, premises and facilities referred to in subsections (1) and (1.1) must be maintained.

AR 31/2006 s21;63/2020

Requirement to obtain certain food from approved sources

22(1) Subject to this section, a commercial food establishment must obtain all food that is liable under law to inspection by the Government of Canada or Alberta or by an agency of either from a source that is subject to inspection by that entity.

(2) Subsection (1) does not apply to a food establishment that lawfully provides cutting and wrapping services for uninspected meat, but such meat must be clearly labelled, adequately separated from all other food and identified as not for public consumption to the satisfaction of the executive officer.

(3) The regional health authority may, where it is satisfied that public health will be adequately protected, authorize the use of uninspected wild game, being wildlife within the meaning of the *Wildlife Act*, for the holding of wild game dinners or to be used by non-profit organizations that operate exclusively to provide food to persons in need.

AR 31/2006 s22;2/2020

Contamination and unfitness for human consumption

23(1) All food used or to be used in a commercial food establishment must be

- (a) protected from contamination, and
- (b) handled in a sanitary manner.

(2) Subject to any procedure involved in disposing of it that is otherwise in accordance with the law, food that has become contaminated or otherwise unfit for human consumption must not be served, offered for sale, processed, packaged, displayed or stored for human consumption.

Processing

24 All food handling in a commercial food establishment must be done in a manner that makes the food safe to eat.

Storage, display and transportation

25(1) All high-risk food must be stored, displayed and transported at a temperature of

- (a) not more than 4°C or such higher temperature, or
- (b) not less than 60°C or such lower temperature

as an executive officer stipulates under subsection (4).

(2) All food that needs to be kept frozen in order to maintain its fitness for human consumption must be and remain frozen while being stored, displayed, packaged or transported.

(3) Subsection (1) does not apply to whole raw shell eggs, which must be stored, displayed, packaged or transported at a temperature not exceeding 7°C or such other temperature as an executive officer stipulates under subsection (4).

(4) An executive officer may authorize alternative temperatures for the purposes of subsections (1) and (3), with associated conditions, if applicable, if that officer is satisfied that those temperatures,

along with those conditions, pose no risk that the food will become unfit for human consumption.

Transportation, storage or distribution units

26 A commercial food establishment that is a food transportation, storage or distribution unit must be operated in a manner that does not create a nuisance.

Previously served food

27 Food that has previously been served must not be re-served unless

- (a) it is a low-risk food,
- (b) it has remained free of contamination, and
- (c) either
 - (i) it is, and on each previous occasion was, served in a container designed to prevent contamination, or
 - (ii) it is individually packaged, and has remained unopened and untampered with in its original container.

Facilities, equipment and utensils - post-construction

28(1) A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance.

(2) A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination.

(3) All equipment and utensils in a commercial food establishment must be

- (a) kept in good working order and condition, and
- (b) maintained in a manner that ensures the safe and sanitary handling of food.

(4) Single service utensils must not be used more than once.

Sanitation procedures

29(1) A commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance.

(2) The procedures must include

- (a) the cleaning and sanitizing requirements for the commercial food establishment and for all equipment and utensils in it, if any, that are not normally washed in a dishwasher, and
- (b) a list of all cleaning and sanitizing agents used in the commercial food establishment, including their concentrations and uses.

Food handlers - hygiene and health

30(1) A food handler must

- (a) wear clean clothing and footwear,
- (b) exhibit cleanliness and good personal hygiene,
- (c) ensure that food is not contaminated by hair,
- (d) wash hands as often as necessary to prevent the contamination of food or food areas,
- (e) refrain from smoking in a food area, and
- (f) refrain from any other conduct that could result in the contamination of food or a food area.

(2) A person must not work as a food handler if prohibited from working by or under the *Communicable Diseases Regulation* (AR 238/85).

(3) The operator must ensure that subsections (1) and (2) are complied with.

(4) The handwashing stations referred to in section 17(1)(e) must be maintained and kept supplied.

Food safety training

31(1) A person operating a commercial food establishment must, at any time when there are 5 or fewer food handlers working on the premises, ensure that at least one individual who has care and control of the commercial food establishment holds a certificate issued by the Minister confirming that individual's successful

completion of a food sanitation and hygiene training program or a document that the Minister considers equivalent to such a certificate.

(2) A person operating a commercial food establishment must, at any time when there are 6 or more food handlers working on the premises, ensure that at least one member of the management or supervisory staff of the commercial food establishment holds a certificate or equivalent document referred to in subsection (1) and that that individual is present at the commercial food establishment at the time.

(3) This section does not apply to a commercial food establishment where

- (a) only unpackaged food that is low-risk is made available to the public, or
- (b) all the food received by the commercial food establishment for public consumption is received in pre-packaged form and is made available to the public only in the same form in which it was received.

Live animals

32 A live animal must not be permitted in a food area, except

- (a) a service animal to the extent that the law gives service animal handlers rights with respect to that food area,
- (b) an animal that is in an abattoir in accordance with the meat inspection legislation, or
- (c) another animal that the executive officer determines will pose no risk of the occurrence of a nuisance in the commercial food establishment and whose presence that officer specifically authorizes.

Part 3 Farmers' Markets

Farmers' market permit

33 The operator of a farmers' market must apply for a farmers' market permit in accordance with Part 1 of this Regulation.

General building requirements

34 Except where the *Alberta Building Code* provides otherwise, a farmers' market permit holder must ensure

- (a) that the farmers' market is supplied with hot and cold running water that is safe for human consumption and available in quantities sufficient to meet the needs of the farmers' market, and
- (b) that toilet and handwashing facilities of a design and in a number sufficient to meet the needs of the farmers' market are provided
 - (i) at the location of the farmers' market, or
 - (ii) at a nearby location through agreement with another person.

Regular duties of permit holder

35(1) A farmers' market permit holder must ensure that

- (a) stallholders' spaces are clean and sanitary,
- (b) counters and display areas in stallholders' spaces are finished in or covered with a material that is easily cleaned,
- (c) stallholders' spaces are cleaned at the end of each business day,
- (d) there are sufficient refuse containers to service the customers visiting the farmers' market, and
- (e) there is sufficient removal of refuse at the end of each business day.

(2) A farmers' market permit holder must ensure that adequate clean-up equipment is provided for the use of stallholders.

Stallholder requirements

36(1) A stallholder must not sell, offer for sale, distribute, provide or otherwise make available to the public

- (a) uninspected meat,
- (b) home-canned food other than jam, jelly and pickles,
- (c) any food unless it is stored, displayed and transported in accordance with section 25,
- (d) home-prepared food unless it is
 - (i) protected in a manner adequate to prevent customer handling and contamination, and

- (ii) subject to subsection (1.1), labelled, prior to sale, with the following information:
 - (A) a statement that the food is prepared in a home kitchen that is not subject to inspection;
 - (B) a statement that the food is not for resale;
 - (C) the name, business name, and email address or phone number of the individual who prepared the food product;
 - (D) the name of the food product;
 - (E) the date that the food product was prepared,
- (e) unpasteurized milk, or
- (f) foods containing one or more of the foods prohibited in clauses (a) to (e) as ingredients.

(1.1) Subsection (1)(d)(ii) does not apply to unprocessed horticultural products.

(2) A stallholder must not sell, offer for sale, distribute, provide or otherwise make available to the public whole raw shell poultry eggs unless they are stored at a temperature not exceeding 7°C.

(3) A stallholder must ensure that food handlers

- (a) wear clean clothing and footwear,
- (b) exhibit cleanliness and good personal hygiene,
- (c) ensure that food is not contaminated by hair,
- (d) wash hands as often as necessary to prevent the contamination of food or food areas,
- (e) refrain from smoking in a food area,
- (f) refrain from any other conduct that could result in the contamination of food or a food area, and
- (g) do not handle food if prohibited from working by or under the *Communicable Diseases Regulation* (AR 238/85).

(4) The farmers' market permit holder must ensure that stallholders comply with this section.

AR 31/2006 s36;63/2020

Part 4 Special Events

Notification of special event

37 The organizer of a special event must notify the regional health authority of the special event in the form and manner required by the regional health authority.

Responsibility of organizer

38 The organizer of a special event must advise the operator of each proposed temporary food establishment of the need to notify the regional health authority regarding the operation of the temporary food establishment at the special event.

Notification regarding temporary food establishment

39 An operator who proposes to operate a temporary food establishment at a special event must notify the regional health authority of the proposed operation of the temporary food establishment in the form and manner required by the regional health authority.

Additional responsibilities of organizer

40 In addition to sections 37 and 38, the organizer of a special event must ensure that

- (a) the event is held in a dry and well maintained area, and
- (b) where potable water lines are established, they are protected against breakage and the main line is equipped with backflow preventers.

Temporary food establishment requirements

41(1) The operator of a temporary food establishment at a special event must ensure that the food establishment

- (a) is set up no less than one hour before the special event is scheduled to start,
- (b) has food preparation surfaces that are constructed of smooth, non-absorbent and easily cleanable materials,
- (c) contains all equipment, other than barbecues, within the food establishment,
- (d) if barbecues are used in the preparation of food, has a segregated area for the barbecues that is adjacent to the

temporary food establishment and situated so as to prevent public access to and contamination of the food,

- (e) is configured so that areas where food is handled are separated from areas used by the general public,
- (f) has a station for the purpose of handwashing that is supplied with
 - (i) running water, which includes, at a minimum, a portable jug with a turnable spout situated over a waste water collection bucket, and
 - (ii) paper towels and liquid soap,

or, subject to the approval of the executive officer, may be supplied with an alternative form of hand sanitizer,

- (g) has a waste water collection system that allows the disposal of waste water in a sanitary manner and prevents waste water from being dumped on the surface of the ground,
- (h) has equipment of adequate size and capability for cold storage of food and holding of hot food, and
- (i) has solid waste containers, lined with plastic bags, of sufficient size to collect solid waste, that are emptied at least at the end of each day of the special event.

(2) Where portable or mobile self-contained water supplies are used, the operator must ensure that

- (a) potable water tanks are
 - (i) used for storing potable water only,
 - (ii) of a sufficient size to provide an adequate supply of water for handwashing, cleaning of equipment and similar operations unless exempted by the executive officer, and
 - (iii) designed to facilitate cleaning and sanitizing as well as sanitary filling and emptying,
- (b) temporary water lines are constructed of CSA approved hose, and
- (c) waste water holding tanks are sized to accommodate at least 110% of the volume of the potable water supply.

- (3) If the special event is scheduled to run for more than one day, the operator of a temporary food establishment must ensure that the food establishment
- (a) has a floor constructed of asphalt, concrete, finished plywood or a similar non-absorbent material, and
 - (b) has walls and a ceiling constructed of finished plywood, canvas, vinyl or a similar non-absorbent material.

Food handling requirements

42 The operator of a temporary food establishment must ensure that

- (a) food is protected at all times to the satisfaction of an executive officer from dust, rain, pests and other potential contaminants,
- (b) probe thermometers and cold storage thermometers are used to verify that adequate storage and preparation temperatures are maintained,
- (c) only single service utensils are provided to patrons, unless an alternative is approved by the executive officer,
- (d) reusable utensils used in food preparation and serving are washed, rinsed and sanitized in a manner and under conditions acceptable to the executive officer,
- (e) a sanitizer approved by the executive officer is available on site at all times for sanitizing surfaces and utensils and that a method is available to verify the sanitizer's concentration,
- (f) self-serve condiments are dispensed from a squeeze or pump container or a container with a self-closing lid,
- (g) food is stored, displayed and transported in accordance with section 25,
- (h) all food and all utensils used to handle the food are stored off the ground,
- (i) food is displayed in a manner that protects it from contamination,
- (j) all surfaces that come in contact with food are washed and sanitized at a minimum every day and in between the handling of raw and cooked food products on the same surface,

- (k) all food that is liable under law to inspection by the Government of Canada or Alberta, or by an agency of either, is obtained from a source that is subject to inspection by that entity, and
- (l) no home-prepared foods are handled in the temporary food establishment.

AR 31/2006 s42;63/2020

Low-risk home-prepared food

42.1(1) A low-risk home-prepared food operator or any individual assisting the low-risk home-prepared food operator may operate a food establishment at a special event for the purpose of selling low-risk home-prepared food.

(2) A low-risk home-prepared food operator must ensure that

- (a) the requirements of section 52.2 are complied with,
- (b) no food other than low-risk home-prepared food prepared by the operator is handled by the operator or any individual assisting the operator at the special event,
- (c) all low-risk home-prepared food handled by the operator or any individual assisting the operator at the special event is packaged, and
- (d) the operator and any individual assisting the operator have access to a handwashing station or hand sanitizer.

(3) A low-risk home-prepared food operator or any individual assisting the operator may provide individually portioned samples of a particular low-risk home-prepared food at no charge at a special event for the purpose of promoting the sale of that food.

AR 63/2020 s11

Food handler requirements

43(1) A food handler must

- (a) wear clean clothing and footwear,
- (b) exhibit cleanliness and good personal hygiene,
- (c) ensure that food is not contaminated by hair,
- (d) wash hands as often as necessary to prevent the contamination of food or food areas,
- (e) refrain from smoking in a food area, and

- (f) refrain from any other conduct that could result in the contamination of food or a food area.
- (2) A person must not work as a food handler if prohibited from working by or under the *Communicable Diseases Regulation* (AR 238/85).
- (3) The operator must ensure that subsections (1) and (2) are complied with.

Additional temporary food establishment requirements

44 In addition to the requirements of sections 41 and 42, the operator of a temporary food establishment at a special event scheduled to run for more than 3 days must ensure that the temporary food establishment

- (a) has, at a minimum, plumbed in water and a sink that is large enough to wash, rinse and sanitize all reusable utensils,
- (b) has hot running water supplied to the sink in a manner acceptable to the executive officer, and
- (c) has temporary water lines, if required, that are maintained in a clean and sanitary condition and are flushed for 2 minutes at the start of each day.

AR 31/2006 s44;63/2020

Education

45 When notified of a special event, the regional health authority must make reasonably available to the organizer of the special event and to the operators of temporary food establishments information regarding appropriate food sanitation and hygiene.

Part 5 Community Organization Functions

Interpretation

46 In this Part, “regional health authority” refers to the regional health authority in whose region the community organization function is being held.

Notification of community organization function

47 The organizer of a community organization function must notify the regional health authority of the function in the form and manner required by the regional health authority.

Duration of function

48 A community organization function may run for more than 2 days with the written permission of the regional health authority and subject to any terms and conditions that the regional health authority imposes.

Food handling requirements

49(1) The organizer of a community organization function and volunteer caterers providing food for the function must ensure that

- (a) the food is handled at all times in a manner that protects the public health,
- (b) any foods that have not been prepared in an approved food establishment are prepared and donated by members of the community organization hosting the function,
- (c) those attending the community organization function are advised that foods that have not been prepared in an approved food establishment are being served,
- (d) foods that are
 - (i) unpasteurized milk,
 - (ii) uninspected meats, subject to section 22(3), or
 - (iii) unfit foods,are neither used in the preparation of food nor served themselves,
- (e) left-over food is either discarded or taken home by members of the organization hosting the community organization function,
- (f) food handlers
 - (i) wear clean clothing and footwear,
 - (ii) exhibit cleanliness and good personal hygiene,
 - (iii) ensure that food is not contaminated by hair,
 - (iv) wash hands as often as necessary to prevent the contamination of food or food areas,
 - (v) refrain from smoking in a food area, and
 - (vi) refrain from any other conduct that could result in the contamination of food or a food area,

and

- (g) pets, if present, are kept out of the food preparation and other food handling areas while food is being prepared or served.

(2) A person must not work as a food handler if prohibited from working by or under the *Communicable Diseases Regulation* (AR 238/85).

(3) The organizer must ensure that subsections (1) and (2) are complied with.

AR 31/2006 s49;112/2006

Education

50 When notified of a community organization function, the regional health authority must make reasonably available to the organizer of the function information regarding appropriate food sanitation and hygiene.

Part 6 Bed and Breakfasts

Requirement for permit

51 The operator of a bed and breakfast must apply for a food establishment permit in accordance with Part 1 of this Regulation.

Food handling requirements

52 The operator of a bed and breakfast must ensure that

- (a) an adequate supply of hot and cold potable water is available,
- (b) food preparation surfaces are smooth, impervious to moisture and easily cleanable,
- (c) all food comes from an approved source,
- (d) no home-canned food other than jam, jelly and pickles is provided,
- (e) all foods are protected from contamination,
- (f) food is stored, displayed and transported in accordance with section 25,
- (g) a food grade thermometer is kept in the refrigerator and monitored on a regular basis,

- (h) food that has previously been served must not be re-served unless
 - (i) it is a low-risk food,
 - (ii) it has remained free of contamination, and
 - (iii) either
 - (A) it is, and on each previous occasion was, served in a container designed to prevent contamination, or
 - (B) it is individually packaged, and has remained unopened and untampered within its original container,
- (i) all reusable utensils are cleaned and sanitized by the use of
 - (i) a manual method satisfactory to the executive officer or a 3-compartment sink procedure, or
 - (ii) a dishwasher, if
 - (A) the dishwasher effectively removes physical soil from all surfaces and dishes,
 - (B) the dishwasher sanitizes the dishes using accumulative heat or by the addition of a chemical sanitizer, and
 - (C) the dishwasher is installed and operated according to the manufacturer's instructions for the highest level of sanitation possible,
- (j) all utensils are stored in a clean and sanitary condition,
- (k) pets, if present, are kept out of the food preparation and dining areas while food is being prepared and served,
- (l) food handlers
 - (i) wear clean clothing and footwear,
 - (ii) exhibit cleanliness and good personal hygiene,
 - (iii) ensure that food is not contaminated by hair,
 - (iv) wash hands as often as necessary to prevent the contamination of food or food areas,

- (v) refrain from smoking in a food area, and
- (vi) refrain from any other conduct that could result in the contamination of food or a food area,
- (m) a person does not work as a food handler if prohibited from working by or under the *Communicable Diseases Regulation* (AR 238/85),
- (n) liquid soap and paper towels are provided at the kitchen sink, and
- (o) the kitchen area of the bed and breakfast is restricted to food handlers during food preparation and service.

Part 6.1

Low-risk Home-prepared Food

Handling of low-risk home-prepared food

52.1(1) A low-risk home-prepared food operator shall only handle low-risk home-prepared food

- (a) at the private dwelling where that operator prepares the food, or
- (b) in accordance with section 42.1.

(2) No person shall resell low-risk home-prepared food or sell food that contains a low-risk home-prepared food used as an ingredient.

AR 63/2020 s13

Food handling requirements

52.2(1) A low-risk home-prepared food operator must

- (a) ensure that all food that is liable under law to inspection by the Government of Canada or Alberta, or by an agency of either, is obtained from a source that is subject to inspection by that entity,
- (b) ensure that any water used in the processing or preparation of food is safe for human consumption,
- (c) ensure that all food handling is done in a manner that makes the food safe to eat,
- (d) ensure that all food is

- (i) protected from contamination, and
- (ii) handled in a sanitary manner,
- (e) ensure that any food that has become contaminated or otherwise unfit for human consumption is not served, offered for sale, processed, packaged, displayed or stored for human consumption,
- (f) subject to subsection (2), ensure that food is labelled, prior to sale, with the following information:
 - (i) a statement that the food is prepared in a home kitchen that is not subject to inspection;
 - (ii) a statement that the food is not for resale;
 - (iii) the name, business name and email address or phone number of the low-risk home-prepared food operator;
 - (iv) the name of the food product;
 - (v) the date that the food product was prepared,
- (g) subject to subsection (3), ensure that no food is served for the purpose of the consumption of that food in the private dwelling where that food is sold, and
- (h) ensure that water is not sold or offered for sale.

(2) Subsection (1)(f) does not apply to unprocessed horticultural products.

(3) A low-risk home-prepared food operator may provide individually portioned samples of a particular low-risk home-prepared food at no charge in the private dwelling where that food is sold for the purpose of promoting the sale of that food.

(4) A low-risk home-prepared food operator must not handle food if prohibited from working by or under the *Communicable Diseases Regulation* (AR 238/85).

AR 63/2020 s13

Part 7 Transitional Provisions, Repeals, Expiry and Coming into Force

Transitional

53 A food establishment permit issued under the repealed *Food and Food Establishments Regulation* (AR 328/2003) that was valid

and subsisting immediately before the commencement of this Regulation is deemed to have been issued under and to be a permit for the purposes of this Regulation, and if such a permit was under suspension at that time, the suspension continues afterwards for the remainder of its duration as if the suspension had originally been effected under this Regulation.

Repeal

54 The *Food and Food Establishments Regulation* (AR 328/2003) is repealed.

Expiry

55 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2021.

AR 31/2006 s55;70/2015;38/2018

Coming into force

56 This Regulation comes into force on April 1, 2006.



Printed on Recycled Paper 