

Questions and Answers:
Exemptions to Ontario Regulation
493/17 (Food Premises) under the
Health Protection and Promotion
Act

Ministry of Health

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Food Premises Serving Low-Risk Food:

Q1) What are the specific changes for premises serving low-risk food and/or serving pre-packaged ready-to-eat food?

The regulatory changes fall under the Ontario Regulation 493/17 (Food Premises) under the *Health Protection and Promotion Act*.

The regulatory exception applies to food premises that:

1. do not prepare food and that distribute only low-risk food items, pre-packaged food items, or a combination of low-risk food items and pre-packaged food items;
2. prepare only low-risk food items and serve only,
 - low-risk food items,
 - pre-packaged, ready-to-eat food items, or
 - a combination of low-risk food items and pre-packaged, ready-to-eat food items.

These premises are exempt from the following requirements:

Clause 7 (3) (c) Handwashing stations: applicable food premises are no longer required to have the specified handwashing stations in a food premises. However, there is still a regulatory requirement for food premises operators to ensure that food handlers wash their hands as often as necessary to prevent the contamination of food or food areas.

S. 18 Dishwashing equipment: applicable premises are no longer required to provide the structural number of a two- or three-compartment sink and/or a commercial mechanical dishwasher. However, any utensils used to prepare food must be cleaned and sanitized in accordance with current regulatory requirements (e.g., sections 19 – 23).

S. 32 Food handler training: applicable premises are no longer required to ensure there is at least one food handler or supervisor on the premises who has completed food handler training.

Q2) Why are these changes occurring?

These amendments respond to the needs of food donation, community meal programs, student nutrition programs, home-based businesses, and any other similar entities that were brought forward during the Open for Business Strategy and consultation for the Ministry of Environment, Conservation and Parks, A Made in Ontario Environment Plan. The Ministry of Health heard from these stakeholders that it is difficult to comply with all of the structural requirements of the Food Premises regulation given that they are often operating volunteer-based programs or small operations and thus have limited resources. These changes also reflect an outcome-based and risk-based regulatory approach, consistent with the requirements under the Food Premises Regulation 493/17.

Q3) Does the removal of a separate handwashing station mean that a sink will no longer be required?

Food premises that meet the criteria for the exemption are still required to have a method of cleaning hands and cleaning and sanitizing utensils if there are food handling activities or if utensils are used. However, there is flexibility in where handwashing or how utensil cleaning and sanitizing is conducted. In other words, if food handling occurs or if utensils are used, the operator still needs access to a sink(s) or methods to wash hands/utensils; but not necessarily designated hand sink or designated 2 or 3 compartment sinks.

Q4) What is the definition of ‘low-risk’ food and pre-packaged ready-to-eat food?

Low-risk food is defined in the regulation as food that is not potentially hazardous (i.e., does not require time and temperature control). Examples of low-risk food include whole raw fruits and vegetables and most baked goods (with no custard).

Pre-packaged food is defined in the Food Premises regulation as food that is packaged at a premise other than the premises at which it is offered for sale and does not require further preparation before eating. Examples include packaged yogurt, cheese, salad, deli meats, etc.

Ready-to-eat food is food with no additional processing steps prior to consumption.

Q5) How will public health be maintained through the changes?

The regulatory changes continue to protect public health and safety by limiting the exemption only to food premises that prepare no food at all and distribute only low-risk and pre-packaged food; or prepare only low-risk food and serve only low-risk and/or

pre-packaged ready-to-eat food. There are no changes to the requirements for handwashing or sanitizing utensils (e.g., sections 19 – 23), but simply more flexibility in how this is accomplished.

Q7) What organizations and businesses will benefit from these changes?

Food premises that either prepare no food at all and distribute only low-risk and pre-packaged foods (i.e., food banks); or prepare only low-risk food and serve only low-risk and/or pre-packaged ready to eat foods will benefit from these changes. Examples of these types of food premises may include food banks, some religious organizations, home-based businesses, student nutrition programs, convenience stores, food rescue, and recovery organizations.

Q8) Will the Ministry of Health be providing guidance and/or training resources for operators and volunteers at food donation organizations?

The ministry is developing a Reference Document for Safe Food Donation as a resource for the food donation process. Additional guidance will be provided in Q&A materials.

Q9) How is section 3.1 different from section 3 of the Food Premises regulation?

Section 3. Food premises that sell or offer for sale only hot beverages or pre-packaged, low-risk food items, or both, are exempt from the provisions of clauses 7 (3) (b) and (c) and Parts IV and V if,

- (a) the food premise uses only single-service articles; and,
- (b) any eating or drinking area in the premise is not greater than 56 square metres in area.

The above describes the applicable food items as: hot beverages (i.e., tea or coffee) and/or pre-packaged, low risk-food items (aka pre-packaged, not potentially hazardous, shelf stable food). This provision does not allow for preparation of low-risk foods or serving potentially hazardous food items (i.e. pre-packaged ready-to-eat foods).

Exemption to Allow Dogs on Food Premises:

Q1) Why did this change occur?

Prior to the recent regulatory amendments, with limited exceptions, the Food Premises Regulation did not allow any live animals to be present in any rooms of food premises where food is prepared, packaged, served, etc. Operators found this restrictive as it did

not allow them to meet the needs of some of their customers. This change provides increased flexibility for some food premises.

Q2) When did this change come into effect?

This change came into effect January 1, 2020.

Q3) What regulatory changes occurred to allow dogs in food premises?

There are two (2) amendments to Ontario Regulation 493/17 (Food Premises) under the *Health Protection and Promotion Act* that pertain to dogs.

There is an exemption to allow food premises operators the discretion to permit dogs in outdoor eating areas of food premises, if food is not prepared in those areas. In addition, operators have the discretion to allow dogs inside a food premises if it only prepares low risk food and dogs are only in an area of the food premises where low-risk and/pre-packaged ready to eat foods are served, sold, offered for sale, or displayed.

Q4) If an outdoor patio is accessed only through indoor entry hallways, are dogs allowed to enter the food premises if there are higher risk food handling activities conducted in the premises to access the patio?

Dogs may be permitted to enter the food premises if they never access a room where food is prepared, processed, packaged, served, transported, manufactured, handled, sold, offered for sale or displayed.

Q5) What are the health risks associated with dogs at food premises?

Health risks that may be associated with dogs at food premises include allergies, physical injuries, and disease. The ministry has developed educational materials that enable food premises operators to make an informed decision for permitting dogs at their food premises. The educational materials include best practices to reduce the risk of foodborne illness and injury.

Q6) Why are only dogs be permitted? Why not cats, or other comparable animals, such as caged birds?

The amendments align and are consistent with other jurisdictions to allow only dogs in outdoor eating areas (or patios).

Q7) How will dog owners know if operators allow dogs on their patios? How will it be ensured that dogs don't end up "at the table" when on a patio?

The ministry has provided sample signage for operators to post to inform the public if their premises permits dogs. Additionally, a best practices summary sheet has been

provided to operators which includes the recommendation that dogs avoid contact with table and chairs.

Q8) Who is responsible for providing the signage?

Operators are responsible for providing signage, should they choose to do so. Public health inspectors are encouraged to educate operators on the resources available to them to assist with the implementation of this requirement.

Q9) How do these exemptions impact the current regulatory requirements for service animals?

The Food Premises Regulation currently allows all service animals to be in areas of food premises where food is sold, served or offered for sale.

The amendments allow the operator of a food premises to make the choice to permit dogs in outdoor eating areas and under certain conditions, in indoor rooms. However, this change will not impact the accessibility for service animals that are covered under the Food Premises Regulation as a separate requirement.

The Ministry for Seniors and Accessibility provides guidance on *How to Make Customer Service Accessible*. This includes how businesses and non-profit organizations can meet the accessible customer service standard by creating a policy and a plan to train staff on how to serve people with disabilities, including the rights of people with service animals.

Q10) What are the requirements for service animals accompanying persons with disabilities under the Accessibility for Ontarians with Disabilities Act?

In Ontario, organizations must allow service animals to accompany their owners in all public spaces unless another law prohibits it. Service animals must either be readily identifiable, or their owner may provide a note from a recognized health professional confirming the individual needs that animal.

All employees and volunteers of an organization must be trained on how to interact with people with disabilities, including people with service animals.

If organizations are not sure if an animal is a pet or service animal, they should ask.

Q11) How do these exemptions impact someone with dog allergies that may have an allergic reaction when eating out, and does the regulation address this issue?

The amendments provide operators with the option to choose to allow dogs at their establishment. In addition, the ministry is assisting operators with best practices to

consider when allowing dogs on patios and indoors, including dog-friendly signage. Signage provides patrons with information so they can make an informed choice on whether a visit to a food premises that permits dogs is right for them.

A patron with allergies may still choose to visit a restaurant which allows dogs. In this case, an operator should work with the patron to accommodate them in a way that still complies with the Ontario Human Rights Code. For example, an operator might seat a patron with allergies as far as possible from a patron with a dog.

Q12) What are the options for people with dog phobias who want to visit food premises that permit dogs?

Patrons with dog phobias that want to visit food premises that allow dogs should look for signage that indicates dogs are permitted or should call ahead prior to visiting. This will provide patrons with information so that they can decide to visit an establishment.

Q13) Should owners and operators of food premises report dog bite incidents to local public health units?

Yes. It is mandatory to report dog bite incidents to your [local public health unit](#) under Ontario Regulation 557 (Communicable Diseases- General) made under the *Health Protection and Promotion Act*. The names and contact information of the dog, dog owner and victim should be recorded. When a dog bites or scratches a person, a public health inspector will conduct an investigation to assess the animal's health and rabies vaccination status.

Q14) How can potential disease transmission due to direct or indirect contact with dogs and their urine, feces, saliva, nasal secretions or other bodily fluids be prevented?

Disease-causing germs can be spread from dogs to people through direct contact with the dog (e.g. touching, kissing, bites and scratches) or through direct or indirect contact with dog urine, feces, saliva, nasal secretions or other bodily fluids.

To prevent disease transmission, wash hands with soap and running water after any direct contact with dogs, or direct or indirect contact with dog urine, feces, saliva, nasal secretions or other bodily fluids. Be sure to assist children with handwashing. Thoroughly washing hands will reduce the risk of disease transmission to people.

Q15) Are dogs required to be on a leash if they are at a food premises?

The ministry has developed best practices for food premises owners and operators that choose to allow dogs on outdoor patios, and under certain circumstances indoors.

Operators should ensure dogs are kept on a leash when at a food premises.

Q16) Who is responsible for enforcing the best practices?

The best practices provided in the summary sheet are to be used by operators and public health units to best mitigate potential health risks. These are not regulatory requirements, but considerations to ensure public health and safety.