

(no amdt)

ALBERTA REGULATION 328/2003
Public Health Act
FOOD AND FOOD ESTABLISHMENTS REGULATION

Table of Contents

Interpretation and Application

Interpretation	1
Application and exemptions	2

Part 1: Permits and Operation under Permit

Requirement for food establishment permit	3
Issue and renewal	4
Mobile work camp kitchens	5
Jurisdiction for vehicles	6
Permit fee provisions	7
Term and duration	8
Identification of location	9
Terms and conditions	10
Non-transferability	11
Suspension	12
Cancellation	13
Notifications	14
Display	15

Part 2: Construction, Design and Facilities

Plans and specifications, and approval	16
General construction requirements	17
Equipment, utensil and food surface requirements	18

Part 3: Specific Operation and Maintenance Requirements

General operator 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	33

Part 4: Farmers' Markets

Interpretation for Part 4	34
General building requirements	35
Regular duties of market permit holders	36
Safe or offer for sale by stallholders	37

Part 5: Transitional, Repeal, Expiry and Commencement

Transitional	38
Repeal	39
Expiry	40
Coming into force	41

Interpretation and Application

Interpretation

1(1) In this Regulation,

- (a) “abattoir” means an abattoir within the meaning of the *Meat Inspection Regulation* (AR 42/2003);
- (b) “container” means a receptacle or covering used to contain, cover, package or wrap food;
- (c) “contamination” means the presence of
 - (i) foreign matter, including filth, a poisonous substance or a pest, or
 - (ii) disease-causing microorganisms or parasites, or toxins;
- (d) “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;
- (e) “farmers’ market” means a food establishment whose proposed operation by a person or group of persons has been approved by the Minister responsible for agriculture as an approved farmers’ market program under the administration of that Minister’s Department;
- (f) “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);
- (g) “food area” means any area, including all equipment and utensils in it, in a food establishment where food is processed, handled, served or stored as part of the normal operation of the food establishment, and “non-food areas” means other areas in the food establishment;
- (h) “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;
- (i) “food establishment” means, subject to subsections (3) to (6),
 - (i) premises where food that is intended for consumption by the public is served, offered for sale, displayed, processed, packaged, stored or handled, or
 - (ii) the operation of, or the business that consists of or includes the operation of, those premises,

and includes a work camp and any other premises or operation food consumption in respect of which is specifically provided for in this Regulation;
- (j) “food handler” means an individual working in or for a food establishment whose functions require or permit the person to be in contact with any food, equipment or utensil;

- (k) “handwashing station” means a hand basin that is equipped to provide 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;
- (l) “meat inspection legislation” means the *Meat Inspection Act* of Alberta or of Canada and the regulations under that Act or either of them, as the case may be;
- (m) “operator” means the person or persons who operate the food establishment in question;
- (n) “permit” means a food establishment permit issued or renewed under section 4;
- (o) “pest” means
 - (i) rodents, cockroaches, flies or other insects or other vermin, or
 - (ii) any other animals that are potentially destructive to the sanitary operation or maintenance of a food establishment;
- (p) “potentially hazardous” means, with respect to food, in a form or state that is capable of supporting the growth of pathogenic micro-organisms or the production of toxins;
- (q) “premises” includes any place or vehicle;
- (r) “pre-packaged” means, in relation to food, already packaged when the person who is selling the food obtained it;
- (s) “processing” means transforming food so that no further treatment is required prior to human consumption and, without limiting those general words, includes thawing, heating, cutting, cooking, smoking, chilling, reheating, salting, canning, freezing and pasteurizing;
- (t) “regional health authority” or “authority” means the regional health authority that has jurisdiction in the health region in which, subject to section 6, the food establishment in question is located;
- (u) “sanitary” means free from contamination;
- (v) “sanitize” means treat in such a way as to reduce the micro-organism population to a level that does not constitute an insanitary condition;
- (w) “serve” includes dispense, supply, feed, furnish, sell, distribute or provide in any manner;
- (x) “service animal” means an animal that is specifically trained or being trained for the purpose of providing assistance to persons with disabilities;
- (y) “single service” means designed to be used only once and then discarded;
- (z) “temporary food establishment” means premises that are operated as a food establishment for fewer than 15 days during any calendar year, but does not include a church, school, community hall or similar premises that are permanently equipped as a food establishment;

- (aa) “utensils” means kitchenware, tableware, cutlery and other similar items used in the processing, serving or consuming of food;
 - (bb) “work camp” means a work camp within the meaning of the *Work Camps Regulation* (AR 218/2002).
- (2) Reference in this Regulation to the *Alberta Building Code* is to be taken to refer to whatever is or was required to comply with the regulation dealing with building code requirements that is or was current for the time the relevant work is or was done.
 - (3) For the purposes of this Regulation, all food in a food establishment is deemed to be offered for sale and intended for human 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 in the food establishment.
 - (4) For the purposes of this Regulation,
 - (a) references to performing an activity are deemed to include omitting to act, and
 - (b) references to any premises “where” an activity takes place is to be taken to include reference to any premises in, on or from which that activity takes place.
 - (5) The existence in any premises of vending machines from which food, that is supplied by a commissary or depot that warehouses vending machine food or that is pre-packaged, is sold does not in itself make those premises a food establishment.
 - (6) The provision by a business establishment of individually portioned food at no charge to its clients or customers does not in itself make that business establishment a food establishment.
- Application and exemptions
- 2(1) This Regulation does not apply to a day care facility or other institution within the meaning of the *Institutions Regulation, 1981* (AR 143/81) that provides food only to 10 or fewer persons.
 - (2) Parts 2 and 3 apply to all food establishments except
 - (a) one in which food is processed and served by a voluntary caterer for functions that are strictly limited to members of the organizations holding the functions and their invited guests, and
 - (b) a farmer’s market.
 - (3) Part 4 applies only to farmers’ markets.
 - (4) In this section, “voluntary caterer” means a member of a group or a group that prepares and serves food for functions without payment or other compensation.
 - (5) Exemptions under section 3(2)(h) and 7(1)(e) are to be treated as incorporated by reference in this Regulation, but the Minister shall attempt to bring each such exemption to the attention of all persons likely to be affected by it.

Part 1

Permits and Operation under Permit

Requirement
for food
establishment
permit

- 3(1)** A person shall not operate a food establishment unless that person holds a valid and subsisting permit for that food establishment from the regional health authority.
- (2)** Subsection (1) does not apply to
- (a) premises under the supervision of the Canadian Food Inspection Agency,
 - (b) a dairy manufacturing plant licensed under the *Dairy Industry Act*,
 - (c) an abattoir licensed under the meat inspection legislation,
 - (d) the sale of
 - (i) liquor, or
 - (ii) liquor related products approved by the board of the Alberta Gaming and Liquor Commission for the purposes of section 49 of the *Gaming and Liquor Regulation* (AR 143/96),
under a licence issued under the *Gaming and Liquor Act*,
 - (e) a temporary food establishment,
 - (f) the sale by a farmer from that farmer's farm of the unprocessed horticultural products of that farm,
 - (g) the distribution from a stand or kiosk of individually portioned samples of a particular food at no charge, for the purpose of promoting the sale of that food, or
 - (h) any other food establishment specified by the Minister in writing.

Issue and
renewal

- 4(1)** To obtain a food establishment permit other than by way of a renewal, the person who is to operate the food establishment must submit a written application to the regional health authority accompanied by the information required by the authority.
- (2)** The authority shall, within a reasonable time after receiving
- (a) an application under subsection (1) for a food establishment permit, and
 - (b) the permit issue fee set by the Minister,
- issue a food establishment permit to the applicant unless the authority considers that the food establishment does not or will not meet the requirements of this Regulation.
- (3)** An authority shall, subject to this Part, establish a system and rules for renewals of permits, which rules are to include the requirement to pay to the authority the renewal fee set by the Minister.
- (4)** Notwithstanding anything in this section, an authority may issue or renew a food establishment permit for the operation of a farmers' market only to the person or group of persons referred to in section 1(1)(e).
- (5)** Where a permit is issued or renewed in respect of premises that

- (a) supply food to a vehicle which, but for this subsection, would require a permit, and
- (b) are owned or controlled by the person who owns or controls the vehicle,

then, notwithstanding anything in this Regulation, that permit also covers and applies to the operation of that vehicle.

(6) A permit is not effective unless signed by an executive officer.

Mobile work
camp kitchen

5(1) In this section, “mobile work camp kitchen” means a mobile unit used for the processing of food at a work camp.

(2) Where a person operates more than one mobile work camp kitchen within the jurisdiction of a single regional health authority, notwithstanding section 3(1), 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.

Jurisdiction
for vehicles

6(1) The regional health authority that has the jurisdiction to issue or renew a permit for a passenger transportation vehicle that is a food establishment is the one that has jurisdiction in the health region in which the person who owns or controls the vehicle maintains

- (a) the head office, if located in Alberta, or
- (b) the principal office in Alberta, if the head office is not located in Alberta.

(2) The authority that has the jurisdiction to issue or renew a permit for a vehicle that is a food establishment but not a passenger transportation vehicle is the one that has jurisdiction in the health region in which the vehicle is stocked with most of the vehicle’s food.

(3) Where an authority issues or renews a permit in respect of a vehicle in accordance with subsection (1) or (2), that permit is deemed also to have been issued or renewed by the authority that has jurisdiction in any other health region in which the vehicle operates.

(4) A permit holder shall ensure that all food on or in a vehicle that is a food establishment, if obtained in Alberta, is obtained from a food establishment in respect of which there is a valid and subsisting permit or from a food establishment exempted from the requirement of a permit under section 3(2).

Permit fee
provisions

7(1) A food establishment that

- (a) sells only pre-packaged food (including pre-packaged ice) that is not potentially hazardous,
- (b) is operated by an organization that is registered as a charitable organization under the *Income Tax Act* (Canada),
- (c) is a day care facility or other institution within the meaning of the *Institutions Regulation, 1981* (AR 143/81) that provides food to more than 10 persons,
- (d) a private dwelling, commonly known as a “bed and breakfast”, that is occupied by its owner or operator, offers overnight hospitality to 8 or fewer guests at any one time and provides breakfast but no other meal, or

(e) is specified in writing by the Minister as so exempt,
is exempt from paying the permit issue or renewal fee.

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

Term and duration

8(1) The term of a permit is that stated on the permit, but may not exceed a period of one year.

(2) A permit is valid until the end of its term unless previously suspended under section 12 or cancelled under section 13 or until the earlier death of the permit holder.

(3) Notwithstanding anything in this section, on the death of an individual who is a permit holder, the deceased's legal personal representative may, subject to this Regulation, continue to operate the food establishment under the permit for a period of 12 months following the date of death, and that representative is entitled, subject to this Regulation, to an automatic renewal of the deceased's permit under section 4(3) until the expiration of that 12-month period on payment of the renewal fee under that subsection.

Identification of location

9(1) A permit must identify the premises where the food establishment will be operated.

(2) Subsection (1) does not apply to vehicles covered under section 4(5).

Terms and conditions

10(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 authority considers to be appropriate.

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

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

(4) A permit holder shall 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 shall comply with the terms and conditions of the permit.

Non-transferability

11 A permit is not transferable.

Suspension

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

(a) there is an insanitary condition in the food establishment, or

(b) there has been a contravention of the Act or the regulations under it with respect to the food establishment, whether or not the permit holder has been prosecuted in respect of the contravention.

Cancellation

13(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 food establishment is no longer operated at the premises where the permit indicates the food establishment is to be operated,
- (c) there has been a contravention of the Act or the regulations under it with respect to the food establishment, whether or not the permit holder has been prosecuted in respect of the contravention, or
- (d) the permit holder applies for the cancellation.

(2) A permit remains the property of the authority that issued or renewed it and, if it is cancelled or suspended, the permit holder shall return it to the authority on request.

Notification

14(1) Where an application for a permit or a renewal is refused, the regional health authority shall

- (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 under section 13(1)(a) or (c), the authority shall notify the permit holder of the 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

15(1) A permit holder shall ensure that the permit is displayed in the food establishment covered by the permit in a conspicuous place where it may be easily seen by persons served.

(2) Subsection (1) does not apply to vehicles covered under section 4(5).

(3) A permit holder whose permit covers a vehicle under section 4(5) shall ensure that there is displayed in a prominent place on the vehicle the name, address and telephone number of the food establishment whose permit covers the vehicle.

Part 2

Construction, Design and Facilities

Plans and specifications, and approval

16 A person shall not construct or make alterations to a 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 shall ensure that, before operation of the food establishment commences, the food establishment

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

- (d) has all its food 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,
 - (d) has handwashing stations, adequate in number and location, to ensure convenient access to all food handlers, and
 - (f) is, if so required by the executive officer,
 - (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 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 areas, and
 - (iv) equipped with a properly operating means of providing ventilation to food areas that are subject to the generation or accumulation of odours, fumes, steam, vapours, smoke or excessive heat.
- (2) An operator shall ensure that the food establishment is constructed to prevent 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.

Equipment,
utensil and
food surface
requirements

18 An operator shall ensure that

- (a) all equipment and utensils used in the 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 food establishment are
 - (i) of a type and capacity that are adequate to meet the needs of the food establishment,
 - (ii) capable of maintaining the respective temperatures required by section 26, and
 - (iii) equipped with an accurate thermometer.

Part 3

**Specific Operation and
Maintenance Requirements**

General
operator
requirements

19 An operator shall ensure that the operation and maintenance of the food establishment is conducted in accordance with this Part.

Basic
operating
requirements

20 A person shall not operate a food establishment unless

- (a) all the requisite plans and specifications referred to in section 16 for the food establishment have been approved by the executive officer,
- (b) it is constructed and maintained in accordance with that approval, and
- (c) the requirements of sections 17 and 18 continue to be met.

Storage of articles and materials

- 21(1)** All articles and materials in a 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

- 22(1)** The food establishment and any surrounding area, premises or facilities supporting the food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests.
- (2)** A written record of all pest control measures used in the food establishment and surrounding area, premises and facilities referred to in subsection (1) must be maintained.

Requirements to obtain certain food from approved sources

- 23(1)** Subject to this section, a 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 an abattoir 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 food bank or soup kitchen donations.

Contamination and unfitness for human consumption

- 24(1)** All food used or to be used in a food establishment must be
- (a) protected from contamination, and
 - (b) handled, processed, packaged, displayed, served, stored and transported 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 shall not be served, offered for sale, processed, packaged, displayed or stored for human consumption.

Processing

- 25** All food processing in a food establishment must be done in a manner that makes the food safe to eat.

Storage,
display and
transportation

- 26(1)** All potentially hazardous 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 or displayed.
- (3) Subsection (1) does not apply to whole raw shell eggs, which must be stored at a temperature not exceeding 7°C or such other temperature as an executive officer stipulates under subsection (4).
- (4) An executive officer may stipulate alternative temperatures for the purposes of subsections (1) and (3), with associated conditions, if applicable, if that officer considers that those temperatures, along with those conditions, pose no risk of the food's becoming unfit for human consumption.

Transportation,
storage or
distribution units

- 27** A food establishment that is a food transportation, storage or distribution unit must be operated under conditions that prevent any form of contamination of the food.

Previously
served food

- 28** Food that has previously been served must not be re-served unless
- (a) it is not potentially hazardous,
 - (b) it has remained free of contamination, and
 - (c) either
 - (i) it is, and on each previous occasion was, served in a contamination-preventive container, or
 - (ii) it is individually packaged, and has remained unopened and untampered with in its original container.

Facilities,
equipment
and utensils –
post-
construction

- 29(1)** A food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance.
- (2) A 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 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.
- (3) Single service utensils must not be used more than once.

Sanitation
procedures

- 30(1)** A 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 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 food establishment, including their concentrations and uses.

Food handlers – hygiene and health

31(1) A food handler shall

- (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 shall not work as a food handler if prohibited from working by or under the *Communicable Diseases Regulation* (AR 238/85).
- (3) The operator shall 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

32(1) A person operating a food establishment shall, at any time when there are 6 or more food handlers working on the premises, ensure that

- (a) at least one individual who has care and control of the 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, and (b) an individual described in clause (a) is present at the food establishment at the time.
- (2) A person operating a food establishment shall, at any time when there are 5 or fewer food handlers working on the premises, ensure that at least one member of the management or supervisory staff of the food establishment holds a certificate or equivalent document referred to in subsection (1).
- (3) This section does not apply to a food establishment where
- (a) only unpackaged food that is not potentially hazardous is made available to the public, or
 - (b) all the food received by the food establishment for public consumption is received in prepackaged form and is made available to the public only in the same form in which it was received.

Live animals

33 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 food establishment and whose presence that officer specifically authorizes.

Part 4

Farmers' Markets

Interpretation
for Part 4

34 In this Part,

- (a) “market permit holder” means the holder of a permit issued or renewed under section 4(4);
- (b) “stallholder” means a person who rents space at a farmers’ market.

General
building
requirements

35 Except where the *Alberta Building Code* provides otherwise, a market permit holder shall 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
market permit
holders

36(1) A market permit holder shall 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 market permit holder shall ensure that adequate clean-up equipment is provided for the use of stallholders.

Sale or offer
for sale by
stallholder

37(1) A stallholder shall not sell or offer for sale

- (a) uninspected meat,
- (b) home-canned food other than jam, jelly and pickles,

- (c) potentially hazardous food, other than whole raw shell poultry eggs, unless it is held at a temperature of not more than 4°C and not less than 60°C, or
 - (d) home prepared food unless it is protected in a manner adequate to prevent customer handling and contamination.
- (2) A stallholder shall not offer for sale whole raw shell poultry eggs unless they are stored at a temperature not exceeding 7°C.
- (4) The market permit holder shall ensure that stallholders comply with this section.

Part 5

Transitional, Repeal, Expiry and Commencement

- Transitional **38** A food establishment permit issued under the repealed *Food Regulation* (AR 240/85) that was valid and subsisting immediately before the commencement of this Regulation is deemed to have been issued under section 4(2) 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 **39** The *Food Regulation* (AR 240/85) is repealed.
- Expiry **40** 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 August 31, 2012.
- Coming into force **41** Sections 22(2), 30 and 32 come into force on April 1, 2005.