



Public Health Act
FOOD PREMISES REGULATION
B.C. Reg. 210/99

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Consolidated Regulations of British Columbia

This is an unofficial consolidation.

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This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

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Public Health Act

FOOD PREMISES REGULATION

B.C. Reg. 210/99

Contents

PART 1 – INTERPRETATION AND APPLICATION

1	Interpretation	1
2	Application	2
2.1	Prescribed health hazards and regulated activities	3

PART 2 – CONSTRUCTION OF FOOD PREMISES

3	Plans and specifications to be approved	3
4	General construction requirements	3
5	Washroom facilities	4

PART 3 – OPERATION OF FOOD PREMISES

Division 1 – Approvals and Permits

6	Approval	4
7	Notification of health hazard	5
8	Permit to operate food service establishment	5
9	Repealed	5

Division 2 – Training

10	FOODSAFE training	5
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Division 3 – Food Sources and Protection

11	Food from approved sources	6
12	Protection of food from contamination	6
13	Contaminated food	6
14	Processing, storage and display	6
15	Previously served food	7

Division 4 – Equipment, Utensils and Cleaning

16	Equipment, utensils and food contact surfaces	7
17	Maintenance	7
18	Storage	7
19	Refrigeration and hot holding equipment	7
20	Single service utensils and containers	8

Division 5 – Employees

21	Employee hygiene	8
22	Communicable disease	8

Division 6 – Food Safety Management

23	Food handling procedures	8
24	Sanitation procedures	9

Division 7 – Miscellaneous

25	Animals	9
26	Pests	9
27	Storage of chemicals	10

Public Health Act

FOOD PREMISES REGULATION

B.C. Reg. 210/99

PART 1 – INTERPRETATION AND APPLICATION

Interpretation

1 (1) In this regulation:

“**Act**” means the *Public Health Act*;

“**container**” means a food receptacle or covering used to package, wrap, contain or cover food;

“**contaminate**” means to expose to conditions that permit

- (a) the introduction of foreign matter including filth, a poisonous substance or a pest,
- (b) the introduction or multiplication of disease-causing micro-organisms or parasites, or
- (c) the introduction or production of toxins;

“**equipment**” means any item that is used in the operation of food premises and includes stoves, ovens, ventilation systems, slicers, grinders, mixers, scales, cutting surfaces, tables, shelves, refrigerators, freezers, sinks, ice makers, trolleys, vending machines, dishwashing machines and lighting systems;

“**fish**” means fin fish and molluscan and crustacean shellfish;

“**food**” means any raw or processed substance intended for human consumption;

“**food bank**” means a non-profit organization that

- (a) operates with the exclusive intent of feeding the hungry, and
- (b) receives, holds, packages, repackages or distributes food to be consumed off the premises but does not process food;

“**food contact surface**” means the surface of equipment or utensils with which food normally comes into contact;

“**food premises**” means any place where food intended for public consumption is sold, offered for sale, supplied, handled, prepared, packaged, displayed, served, processed, stored, transported or dispensed;

“**food service establishment**” means food premises in which food is

- (a) processed,
 - (b) served or dispensed to the public, and
 - (c) intended for immediate consumption,
- but does not include food premises in which
- (d) only prepackaged food that is not potentially hazardous food is served or dispensed to the public, or

- (e) unpackaged food that is not potentially hazardous food is served or dispensed to the public if the service or dispensing does not result in the risk of a health hazard occurring;

“handwashing station” means a hand basin provided with

- (a) hot and cold running water,
- (b) soap in a dispenser, and
- (c) a method of hand drying that uses single service products;

“operator” includes a manager and an owner or lessor of the premises;

“pest” means any animal or arthropod destructive to the sanitary operation of food premises and includes rats, mice, cockroaches and flies;

“potentially hazardous food” means food in a form or state that is capable of supporting the growth of disease-causing micro-organisms or the production of toxins;

“process” means to make raw food ready to eat and includes washing, rinsing, cooking, smoking, salting, canning, freezing, pasteurizing and reprocessing of previously processed food;

“sanitize” means to treat by a process that effectively destroys micro-organisms including pathogens;

“single service” means designed to be used only once and then discarded;

“utensil” means kitchenware, tableware, glasses, cutlery or other similar items used in the preparation, service, storage or consumption of food;

“voluntary caterer” means a member of an organization or agency that volunteers to prepare food for functions or gatherings.

- (2) Food present in food premises is deemed to be offered for sale and for human consumption.

[am. B.C. Regs. 69/2012, Sch. 1, s. 1; 223/2015, App. 3, s. 3.]

Application

2 This regulation applies to every food premises other than

- (a) a bed and breakfast establishment operated in a private residence,
- (b) a food bank,
- (c) premises in which food is prepared or served by voluntary caterers for functions or gatherings limited to members of their own organization and invited guests,
- (d) premises that are governed by the *Milk Industry Act* or the *Fish Inspection Act*,
- (d.1) an assisted living residence under the *Community Care and Assisted Living Act*, if the assisted living residence
 - (i) has no more than 6 residents, as defined by that Act, and

FOOD PREMISES REGULATIONPart 2 – Construction of Food Premises

- (ii) would be a single family residence if it were not being used as an assisted living residence,
- (d.2) a slaughter establishment licensed under the Meat Inspection Regulation, and
- (e) premises in which only the following food is sold or offered for sale:
 - (i) whole fresh fruits or vegetables;
 - (ii) prepackaged, non-potentially hazardous food.

[am. B.C. Regs. 361/99, s. 1; 308/2005; 299/2007, Sch. A; 59/2013, Sch. s. 1.]

Prescribed health hazards and regulated activities

- 2.1** (1) The following are prescribed as health hazards:
- (a) conditions that may cause food to be contaminated;
 - (b) potentially hazardous food.
- (2) The operation of food premises is prescribed as a regulated activity.

[en. B.C. Reg. 69/2012, Sch. 1, s. 2.]

PART 2 – CONSTRUCTION OF FOOD PREMISES**Plans and specifications to be approved**

- 3** (1) A person must not construct or make alterations to food premises unless the plans and specifications for the construction or alteration have been approved by a health officer.
- (2) An applicant for approval under subsection (1) must
- (a) submit to a health officer a copy of the complete plans and specifications for the construction or alteration, and
 - (b) provide the health officer with any other information the health officer reasonably requires.
- (3) The health officer may approve, by issuing a permit to the applicant, the plans and specifications submitted under subsection (2) if the plans and specifications indicate that the proposed construction or alteration conforms to the requirements of section 4.

[am. B.C. Reg. 69/2012, Sch. 1, ss. 3 and 4.]

General construction requirements

- 4** (1) Every person who constructs or makes alterations to food premises must ensure that the food premises are
- (a) of sound construction and in good repair,
 - (b) designed to ensure the safe and sanitary handling of food,
 - (c) constructed from materials that are
 - (i) suitable for their intended purpose, and

Part 3 – Operation of Food Premises

- (ii) durable, easily cleaned and free from any noxious or toxic substance,
- (d) separate from and without direct access to
 - (i) living quarters, or
 - (ii) any area in which activities are carried out that are incompatible with the safe handling of food,
- (e) connected to
 - (i) a source of potable water, and
 - (ii) a waste disposal system operating in compliance with the requirements of the government agency that has jurisdiction,
- (f) capable of supplying hot and cold water that is adequate in quantity and pressure to meet the water needs of the food premises,
- (g) provided with artificial lighting that is adequate in intensity to permit the sanitary operation and maintenance of the premises,
- (h) equipped with ventilation equipment that is adequate to prevent the accumulation of smoke, grease, water vapour and objectionable odours, and
- (i) supplied with equipment that will ensure the safe and sanitary handling of food.

(2) Repealed. [B.C. Reg. 361/99, s. 2.]

[am. B.C. Reg. 361/99, s. 2.]

Washroom facilities

- 5** If food premises provide seating for dining purposes and are not subject to building bylaws adopted under the *Local Government Act*, the operator must ensure that washroom facilities are provided for the use of the dining patrons in accordance with B.C. Reg. 216/2006, the British Columbia Building Code Regulation.

PART 3 – OPERATION OF FOOD PREMISES**Division 1 – Approvals and Permits****Approval**

- 6** (1) A person must not operate food premises unless
- (a) the plans and specifications for the premises have been approved under section 3, and
 - (b) the premises are constructed and maintained in accordance with the permit issued under that section.

(2) and (3) Repealed. [B.C. Reg. 69/2012, Sch. 1, s. 5.]

[am. B.C. Reg. 69/2012, Sch. 1, s. 5.]

FOOD PREMISES REGULATIONPart 3 – Operation of Food Premises

Notification of health hazard

- 7** Every operator of food premises must immediately notify a health officer of any circumstance that exists in the food premises that may cause a health hazard.

[am. B.C. Reg. 69/2012, Sch. 1, s. 3.]

Permit to operate food service establishment

- 8** (1) A person must not operate a food service establishment unless the person holds a permit issued under this section.
- (2) A person who wishes to operate a food service establishment must
- (a) apply to a health officer, and
 - (b) provide the health officer with any information the health officer reasonably requires.
- (3) A health officer may issue a permit to operate a food service establishment to a person who complies with the Act and this regulation.
- (4) A health officer may refuse to issue a permit under subsection (3) to any person who, in the opinion of the health officer, has demonstrated that the person is not capable of operating a food service establishment in accordance with the Act and this regulation.
- (5) Repealed. [B.C. Reg. 49/2009, s. 2 (a).]
- (6) A permit issued under subsection (3) is not transferable.
- (7) The holder of a permit issued under subsection (3) must post the permit in a conspicuous location in the food service establishment.
- (8) An operating permit issued under section 2.05 of B.C. Reg. 148/74, the Sanitation and Operation of Food Premises Regulations, that is valid and subsisting on the day that this regulation comes into force is deemed to have been issued under this section.

[am. B.C. Regs. 49/2009, s. 2 (a); 69/2012, Sch. 1, ss. 3 and 6; 76/2022, s. 3.]

- 9** Repealed. [B.C. Reg. 49/2009, s. 2 (a).]

Division 2 – Training**FOODSAFE training**

- 10** (1) Every operator of a food service establishment must hold a certificate, issued by a health officer, for the successful completion of the food handler training program known as FOODSAFE or its equivalent.
- (2) Every operator of a food service establishment must ensure that, while the operator is absent from the food service establishment, at least one employee present in the establishment holds the certificate referred to in subsection (1).

[am. B.C. Reg. 69/2012, Sch. 1, s. 3.]

Division 3 – Food Sources and Protection**Food from approved sources**

- 11** Every operator of food premises must ensure that all food on the premises is obtained from
- (a) food premises for which plans and specifications have been approved under section 3,
 - (a.1) a slaughter establishment licensed under the Meat Inspection Regulation, or
 - (b) a source that is approved by the government of Canada, the Provincial government, the government of another province or territory, or an official or agency of any of those governments under whose authority food safety standards are established and enforced.

[am. B.C. Reg. 59/2013, Sch. s. 2.]

Protection of food from contamination

- 12** Every operator of food premises must ensure that all food on the premises is
- (a) protected from contamination, and
 - (b) offered for sale, sold, supplied, handled, prepared, packaged, displayed, served, processed, stored, transported and dispensed in a sanitary manner and without risk of spoilage.

[am. B.C. Reg. 59/2013, Sch. s. 3.]

Contaminated food

- 13** An operator of food premises must not store, display, offer for sale or sell food that is contaminated or unfit for human consumption.

Processing, storage and display

- 14**
- (1) Every operator of food premises that processes food must ensure that the food is processed in a manner that makes it safe to eat.
 - (2) Every operator of food premises must ensure that potentially hazardous food is stored or displayed at a temperature of not more than 4°C or not less than 60°C.
 - (3) Every operator of food premises must ensure that frozen food is stored, displayed or transported at a temperature of not more than -18°C.
 - (4) Every operator of food premises must ensure that each carcass is
 - (a) stored at a temperature of 4°C or less, or
 - (b) kept in a processing area
 - (i) at a temperature of 10°C or less, or
 - (ii) for a period of 2 hours or less.

[am. B.C. Reg. 59/2013, Sch. s. 4.]

FOOD PREMISES REGULATIONPart 3 – Operation of Food Premises

Previously served food

- 15** (1) Unless it is served in a container that prevents contamination, an operator of food premises must not serve food to a customer if that food has been previously served to another customer.
- (2) Potentially hazardous food that has been previously served to a customer must not be served to another customer even if it is served in a container that prevents contamination.

Division 4 – Equipment, Utensils and Cleaning**Equipment, utensils and food contact surfaces**

- 16** Every operator of food premises must ensure that all equipment, utensils and food contact surfaces used on the premises are
- (a) constructed from materials that are
 - (i) suitable for their intended purpose, and
 - (ii) durable, easily cleaned and free from any noxious or toxic substance,
 - (b) in good working order, and
 - (c) operated in a manner that ensures the safe and sanitary handling of food.

Maintenance

- 17** (1) Every operator of food premises must ensure that the premises and the equipment and utensils used on the premises are maintained in a sanitary condition.
- (2) Without limiting subsection (1), every operator of food premises must ensure that the equipment, utensils and food contact surfaces used on the premises are washed and sanitized in a manner that removes contamination.
- (3) Every operator of food premises must provide the facilities and equipment necessary to meet the requirements of subsections (1) and (2).

Storage

- 18** An operator of food premises must not permit equipment or materials that are not required for the operation of the premises to be stored on the premises.

Refrigeration and hot holding equipment

- 19** (1) Every operator of food premises must ensure that all refrigeration and hot holding equipment
- (a) is of a type and capacity that is adequate to meet the needs of the premises, and
 - (b) is capable of maintaining the temperatures required by section 14.
- (2) Every operator of food premises must ensure that all refrigeration and hot holding equipment is equipped with a thermometer that is accurate within 1°C.

Single service utensils and containers

- 20** An operator of food premises must not allow utensils or containers that are designed for single service use to be used more than once.

Division 5 – Employees**Employee hygiene**

- 21** (1) Every operator of food premises must ensure that each employee
- (a) wears clean clothing and footwear,
 - (b) exhibits cleanliness and good personal hygiene, and
 - (c) takes adequate measures to ensure that food is not contaminated by hair.
- (2) Every operator of food premises must ensure that no employee smokes in any area where food is prepared, dispensed or stored.
- (3) Every operator of food premises must ensure that all employees wash their hands as often as necessary to prevent the contamination of food.
- (4) Every operator of food premises must supply and maintain handwashing stations adequate in number and location to ensure convenient access to all employees.

[am. B.C. Reg. 76/2022, s. 11.]

Communicable disease

- 22** An operator of food premises must not permit any person suspected to suffer from, or be the carrier of, a disease communicable through food to come into contact with any food, equipment, utensils or food contact surfaces on the food premises.

Division 6 – Food Safety Management**Food handling procedures**

- 23** (1) In this section:
- “**critical control point**” means a location in a food service establishment or a step in the establishment’s procedures where failure to comply with the Act or this regulation may result in a health hazard;
- “**critical limit**” means standards that must be met to ensure that a health hazard does not occur at a critical control point.
- (2) Every operator of a food service establishment must develop, maintain and follow written procedures to ensure that a health hazard does not occur in the operation of the establishment.
- (3) The written procedures required by subsection (2) must include
- (a) identification of all critical control points,
 - (b) critical limits for those critical control points,
 - (c) the procedures to be followed to ensure adherence to the critical limits, and

FOOD PREMISES REGULATIONPart 3 – Operation of Food Premises

- (d) the actions to be taken in the event that the critical limits are not adhered to.
- (4) Every operator of food premises where carcasses are handled or where food is processed or prepared must develop, maintain and follow written procedures referred to in subsection (2) that
 - (a) comply with subsection (3), and
 - (b) are approved by a health officer.

[am. B.C. Reg. 59/2013, Sch. s. 5.]

Sanitation procedures

- 24** (1) Every operator of a food service establishment must have written procedures to ensure the safe and sanitary operation of the establishment.
- (2) The written procedures required by subsection (1) must include
- (a) the cleaning and sanitizing requirements for the establishment and for all equipment and utensils used in the establishment,
 - (b) the identification of cleaning and sanitizing agents used in the establishment, including their concentrations and their uses, and
 - (c) the identification of all pesticides used in the establishment, including their uses and their storage requirements.
- (3) Every operator of food premises where carcasses are handled or where food is processed or prepared must develop, maintain and follow written procedures referred to in subsection (1) that
- (a) comply with subsection (2), and
 - (b) are approved by a health officer.

[am. B.C. Reg. 59/2013, Sch. s. 6.]

Division 7 – Miscellaneous**Animals**

- 25** (1) Subject to subsection (2), an operator of food premises must not permit live animals to be on the premises.
- (2) An operator of food premises may permit the following animals on the premises:
- (a) a guide dog or a service dog, as defined in the *Guide Dog and Service Dog Act*, but not in any area of the premises in which food is prepared, processed or stored;
 - (b) live fish in an aquarium;
 - (c) any other animal that a health officer determines will not pose a risk of a health hazard occurring on the premises.

[am. B.C. Regs. 69/2012, Sch. 1, s. 3; 223/2015, App. 3, s. 4.]

Pests

- 26** Every operator of food premises must ensure that the premises are

- (a) free of pests,
- (b) free of conditions that lead to the harbouring or breeding of pests, and
- (c) protected against the entrance of pests.

Storage of chemicals

- 27** Every operator of food premises must ensure that chemicals, cleansers and other similar agents are stored in
- (a) a room or cabinet separate from any food, and
 - (b) non-food containers that are clearly labelled to identify the contents.