

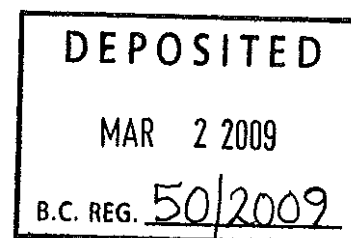
PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

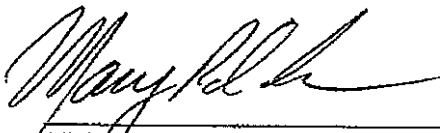
Order In Council No. 127 , Approved and Ordered FEB 27 2009

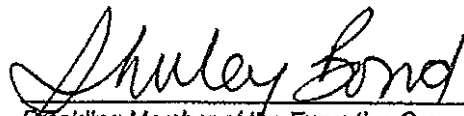

~~Lieutenant Governor~~
~~Administrator~~

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the ~~Lieutenant Governor~~ ^{Administrator}, by and with the advice and consent of the Executive Council, orders that effective September 30, 2009, the attached Public Health Impediments Regulation is made.




Minister of Healthy Living and Sport


Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Public Health Act, S.B.C. 2008, c. 28, s. 116

Other (specify):- _____

January 30, 2009

PUBLIC HEALTH IMPEDIMENTS REGULATION

Contents

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Definitions

- 1 In this regulation:
 - “Act” means the *Public Health Act*;
 - “trans fat” has the same meaning as in the Food and Drug Regulations, C.R.C., c. 870, s. B.01.001, made under the *Food and Drugs Act* (Canada).

Prescribed health impediment

- 2 For the purposes of section 22 of the Act, trans fat in foods intended for human consumption is prescribed as a health impediment.

Trans fat limits in food service establishments

- 3 (1) In this section:
 - “food” means food
 - (a) located on the premises of, or prepared, served or offered for sale in, a food service establishment, other than food that is
 - (i) required under the *Food and Drugs Act* (Canada) to be labeled with a nutrition facts table, or
 - (ii) not intended for public consumption, or
 - (b) used on the premises of a food service establishment as an ingredient in the preparation of a food or beverage served or offered for sale in the food service establishment;
 - “food service establishment” means a food service establishment regulated under the Food Premises Regulation, B.C. Reg. 210/99, other than a community care facility to which section 20 of the *Community Care and Assisted Living Act* applies;
 - “nutrition facts table” has the same meaning as in the Food and Drug Regulations, C.R.C., c. 870, s. B.01.001, made under the *Food and Drugs Act* (Canada);
 - “operator” has the same meaning as in the Food Premises Regulation, B.C. Reg. 210/99.
- (2) Food is deemed to contain trans fat if
 - (a) under the heading “Fat” on the nutrition facts table with which the food is labeled, it is indicated that the food contains more than 0 grams of trans fat, or
 - (b) an ingredient of the food is partially hydrogenated
 - (i) vegetable shortening,
 - (ii) margarine, or

(iii) vegetable oil.

- (3) Subject to subsection (4), an operator of a food service establishment must ensure that the trans fat content of food is,
 - (a) in the case of a partially hydrogenated vegetable oil or soft, spreadable partially hydrogenated margarine, 2% or less of the total fat content of the oil or margarine, and
 - (b) in any other case, 5% or less of the total fat content of the food.
- (4) The limit set out in subsection (3) (b) does not apply in respect of a food in which the trans fat comes from dairy products or ruminant meat only.
- (5) An operator of a food service establishment must have on the premises of the food establishment, and provide to a health officer on request,
 - (a) the original labels of all food required by law to be labeled, including
 - (i) the nutrition facts table, or
 - (ii) if there is no nutrition facts table, a list of food ingredients, or
 - (b) if food is not required by law to be labeled, food product documentation from the manufacturer indicating whether the food contains trans fat or any partially hydrogenated vegetable shortening, margarine or vegetable oils.