

**Summary of Proposed Amendments to Regulations
made under the *Health Protection and Promotion Act***

October 2017

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Summary of Proposal

The *Health Protection and Promotion Act* (HPPA) specifies the organization and delivery of public health in Ontario. The HPPA requires Ontario's 36 boards of health (also called public health units) to oversee, provide or ensure the provision of public health programs and services, as specified in the HPPA, its regulations, and in the Ontario Public Health Standards published by the Minister of Health and Long-Term Care.

Changes to the regulations under the HPPA would modernize them and ensure public health programs and services remain current to protect the health of Ontarians. There are proposed amendments to 11 regulations under the HPPA which are outlined in the sections below.

Note that certain changes to regulations would require corresponding changes to short form wording for offences under the *Provincial Offences Act*. The Ministry intends to proceed separately to make those changes under the *Provincial Offences Act* regulation.

Reg. 199/03 – Control of West Nile Virus

Rationale:

Change would permit medical officers of health flexibility to determine required actions to respond to West Nile virus.

Proposed change:

- Remove Table 1 from the regulation and related references to Table 1.

Reg. 318/08 – Transitional – Small Drinking Water Systems

Rationale:

In 2008 when the Small Drinking Water Program came into effect, the transitional regulation (Reg. 318/08 – Transitional – Small Drinking Water Systems) ensured that all existing small drinking water systems received an inspection and directive. This process has been completed and the permanent regulation (Reg. 319/08 – Small Drinking Water Systems) is in force for all small drinking water systems in Ontario. As such, the transitional regulation is no longer required.

Proposed change:

- Repeal the regulation.

Reg. 428/05 – Public Spas and Reg. 565 – Public Pools

Rationale:

Changes would streamline requirements, reduce burden and address new evidence and industry standards.

Proposed changes include:

Amend Reg. 565 (Public Pools) to consolidate public pool and public spa requirements into one regulation. Revoke Reg. 428/05 (Public Spas). The amended Reg. 565 (Public Pools) include:

- In Reg. 565 (Public Pools), maintain several existing owner and operator requirements, expand to include public spas where appropriate, and make amendments to harmonize and update some requirements;
- Carry over provisions from Reg. 428/05 (Public Spas), including:
 - Certain definitions (e.g. public spa, daily use period);
 - Exemptions and required signage;
 - Maximum capacity requirements; and
 - Emergency equipment.
- Include new requirements for operation of a public pool or spa:
 - Add requirement for operators to notify the medical officer of health 14 days prior to commencing operation and receive permission prior to opening;
 - Require an operator be designated and that the operator be properly trained in operation and maintenance;
 - Allow operators of Class B pool to temporarily operate their pool as Class A, where certain requirements are met; and
 - Expand record keeping requirements to ensure records are available for viewing by the public health inspector.
- Require operators to post on-site results of inspections conducted by the public health inspector;
- Remove the requirement for public pools and spas that the bather must take a shower or bath with soap and warm water prior to entering the deck. Requirement will instead indicate a bather's duty to shower before entering and re-entering the deck, pool or spa;
- Update supervision qualification and requirements:
 - Allow the inclusion of lifeguard and assistant lifeguard training courses comparable to the certifications that are currently named (e.g. National Lifeguard Service);
 - Update bather supervision certification (e.g., lifeguard, assistant lifeguard, aquatic instructor or coach);
 - Update the requirements for aquatic instructor or coach to allow for recognition of more instructor/coach certificates and strengthened safety requirement; and
 - Include a requirement for Class A supervised pools to have a process in place to ensure guardian supervision of children under the age of ten.
- Remove prescriptive approach to first-aid boxes for both pool and spas;

- Align requirements with the Ontario Building Code, removing redundancies where possible; and
- Make other housekeeping changes to update, harmonize, or modernize requirements.

Reg. 554 – Camps in Unorganized Territory

Rationale:

Changes would streamline the regulation to make it more concise and user-friendly.

Proposed changes include:

Substantial amendments to the Camps in Unorganized Territory regulation would be made to modernize the requirements. The proposed amendments include:

- Eliminate redundancies and/or contradictions with the Ontario Building Code and the Food Premises Regulation;
- Revise the notice of opening a camp to add a requirement that notice must be given at least 14 days prior to commencing operations and that the contact information of the operation must also be included in the notice;
- Include an operator training requirement to ensure operators have the appropriate knowledge for the operation and maintenance of the camp and knowledge of the camp's safety procedures to reduce health risks; and
- Update the existing water supply requirements to focus on safe drinking water and supplying enough water to meet the requirements of the camp.

Reg. 557 – Communicable Diseases – General

EYES OF NEW-BORN

Rationale:

The regulation requires that there be mandatory (consent of parent not required) antibiotic treatment in the eyes of all newborns to prevent Ophthalmia neonatorum. Change would allow parents to opt-out upon request.

Proposed change:

- Amend requirement to include an opt-out for parents for mandatory antibiotic treatment in the eyes for their new-born child.

RABIES AND PSITTACOSIS-ORNITHOSIS

Rationale:

Changes would modernize requirements that protect against diseases spread from animals to humans.

Proposed changes include:

- Allow public health inspectors (in addition to medical officers of health) to confine animals;
- Add new requirements for veterinarians and directors of laboratories to report on suspected and confirmed animal cases of certain specified diseases of public health significance; and
- Remove titles, positions and organizations that are no longer current.

DISPOSAL OF CORPSES**Rationale:**

Changes would modernize requirements for the disposal of corpses with a serious infectious disease.

Proposed changes include:

- Modernize terminology associated with coffins, isolation rooms and carriers;
- When providing the list of infectious diseases, clarify language to provide that the diseases apply to the corpse of a person who was confirmed or suspected of having one of the listed infectious agents, as well as the corpse of the person who was isolated for the listed infectious agents;
- Update requirements related to the process for disposing the body;
- Clarify that reference to the medical officer of health means the medical officer of health of the board of health in the health unit where the person has died (rather than where the person resides); and
- Change requirements dealing with post-mortem examinations of corpses with specified diseases.

Reg. 562 – Food Premises**Rationale:**

Changes would streamline requirements, reduce burden and address new evidence and industry standards.

Proposed changes include:

- Require at least one certified food handler or supervisor per shift is on the premises;
- Require on-site posting of inspection results as requested by the public health inspector;
- Remove certain requirements where these are already dealt with in the Ontario Building Code;
- Simplify which types of food premises are exempt from sections of the regulation pertaining to some cleaning and sanitization requirements, sanitary facilities and handwashing stations, by grouping these as premises that only sell pre-packaged, non-hazardous food items;
- Changes to the exemptions for the application of the regulation:

- camps in unorganized territories and recreational camps will be subject to certain provisions in the revised food premise regulation; and
 - exemption will be added for premises that sell only whole fresh fruits or vegetables.
- Amend requirements related to temperature control, food handling, cleaning and sanitizing;
- Amend requirements related to food purchases by:
 - requiring that purchased food comes from an inspected source where appropriate; and
 - requiring operators to retain records for food purchases.
- Update requirements and terminology for specified commodities;
- Include an explicit requirement for pest control measures for premises to be protected against the entry of pests, to be free of conditions that lead to harbouring or breeding of pests and for retention of records for any pest control measures taken;
- Consolidate and simplify a number of areas of the regulation (e.g. vending machines are now categorized as equipment);
- Replace certain prescriptive requirements throughout the regulation with outcomes based requirements; and
- Update terminology and introduce new definitions where necessary.

Reg. 566 – Qualifications of Boards of Health Staff

Rationale:

Changes would provide Boards of Health with autonomy with respect to hiring staff with the proper qualifications and include updated requirements.

Proposed changes include:

- Remove existing public health professional qualifications requirements for business administrators, public health inspectors, public health dentists, dental hygienists and public health nutritionist; and
- Replace the reference to fellowship in community medicine with public health and preventive medicine.

Reg. 567 – Rabies Immunization

Rationale:

Changes would modernize requirements for rabies immunization of animals.

Proposed changes include:

- Invite public health units who are currently not subject to the requirement to have dogs, cats and certain livestock in specific health unit jurisdictions immunized against rabies to be added to Tables 1 and/or 2 of the regulation; and

- Create more robust requirements for both rabies vaccination certificates and exemption certificates through the requirement for additional data elements on those certificates, such as:
 - The animal's microchip number, tattoo number(s), or any other permanent identifying information (if any);
 - The approximate size of the animal;
 - The full name, license number and contact information of the administering veterinarian; and
 - Duration of vaccine immunity and whether it is a primary or booster immunization.

Reg. 568 – Recreational Camps

Rationale:

Changes would streamline the regulation to make it more concise and user-friendly.

Proposed changes:

Amendments would be made to the Recreational Camps regulation to modernize requirements.

The proposed amendments include:

- Eliminate redundancies and/or contradictions with the Ontario Building Code and Food Premises Regulation;
- Revise the notice of opening a camp to add a requirement that notice must be given at least 14 days prior to commencing operations and that the contact information of the operation must also be included in the notice;
- Require operators to post on-site results of inspections conducted by the public health inspector;
- Require that a camp safety plan be developed and submitted to the medical officer of health every year before operation;
- Update supervision requirements related to children:
 - Require operators to follow, at minimum, supervision standard for children (younger than 13 years of age) as set out in the *Child Care and Early Years Act, 2014*;
 - For children 13 years and older, a ratio should be developed and included in the camp safety plan; and
 - Require that campers are under the continuous supervision of an adult who has received first aid training and who has experience in leadership in a recreational camp.
- Include an operator training requirement to ensure operators have the appropriate knowledge for the operation and maintenance of the camp and knowledge of the camp's safety procedures to reduce health risks;
- Update the existing water supply requirements to focus on safe drinking water and supplying enough water to meet the requirements of the camp;
- Align waterfront supervision ratios and emergency equipment requirements with that of the revised public pools regulation; and

- Require operators to ensure all waterfront areas follow maintenance and safety requirements.

Reg. 569 – Reports

Rationale:

Changes would modernize information collected for reportable diseases and support current public health practice for case and contact management.

Proposed changes include:

- Include Public Health Ontario, in addition to the Ministry, as receiving infectious disease reports from medical officers of health;
- Allow the medical officer of health to obtain additional information from laboratories required to report under the HPPA;
- Remove requirements to report detailed information with respect to seasonal influenza, while maintaining requirements for novel, non-seasonal influenza;
- Add a new Hepatitis C (HCV) case definition to include reporting requirements for:
 - Antibody tests from the time of the positive confirmed HCV antibody test result back to and including the most recent negative result; and
 - Results of all HCV RNA tests (positive and negative) including any initial tests and any tests done at any time subsequent to the initial test.
- Update existing diseases to better align with the reportable and communicable disease lists;
- Update reporting requirements with respect to adverse events after immunization; and
- Update reporting requirements to remove certain detailed requirements and modernize other requirements as necessary.