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N.S. Reg. 196/2000

Made: December 8, 2000

Filed: December 11, 2000

Liquor Licensing Regulations

Order in Council 2000-625 made December 8, 2000
Amendment to regulations approved by the Governor in Council
pursuant to Section 50
of the *Liquor Control Act*

The Governor in Council on the report and recommendation of the Minister responsible for the *Liquor Control Act* and the Minister responsible for Part II of the *Gaming Control Act* and Acting Minister of Environment and Labour dated November 6, 2000, pursuant to Section 50 of Chapter 260 of the Revised Statutes of Nova Scotia, 1989, the *Liquor Control Act*, is pleased to approve the making by the Alcohol and Gaming Authority of an amendment to the regulations respecting liquor licensing approved by the Governor in Council by Order in Council 83-755 dated July 12, 1983, in the manner set out in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 1, 2001.

Schedule 'A'

**Amendment to the Regulations Respecting Liquor Licensing
made pursuant to Section 50 of Chapter 260
of the Revised Statutes of Nova Scotia, 1989,
the *Liquor Control Act***

Schedule "A" of the regulations respecting liquor licensing approved by the Governor in Council by Order in Council 83-755 dated July 12, 1983, is amended by striking out "9.3%" wherever it appears and substituting "4.1%".

N.S. Reg. 197/2000

Made: December 1, 2000

Filed: December 12, 2000

Schedule 1 - General Regulations

Order dated December 1, 2000
Amendment to regulations made under Section 13 of the
Dairy Commission Act

THE NOVA SCOTIA DAIRY COMMISSION, pursuant to Section 13 of Chapter 117 of the Revised Statutes of Nova Scotia, the *Dairy Commission Act*, on December 1, 2000

HEREBY ORDERS that Section 22 of Schedule 1 - "General Regulations" made on August 29 [11], 1989 is amended by repealing Section 22 and substituting the following, effective December 1, 2000.

22 (1) No distributor, jobber or storekeeper shall sell milk or any grade or grades thereof within the Province of Nova Scotia in containers or quantities other than as follows:

(a) Containers

- (i) waxed or plastic-coated paper containers with or without a threaded pouring spout
- (ii) plastic pouch
- (iii) plastic dispenser bag
- (iv) plastic containers
- (v) plastic bottles

(b) Container Sizes

- (i) 20 litre
- (ii) 10 litre
- (iii) 4 litres
- (iv) 2 litres
- (v) 1 litre
- (vi) 500 ml
- (vii) 250 ml
- (viii) 200 ml
- (ix) 15 ml
- (x) 10 ml
- (xi) 4 fl oz.

(2) All milk containers offered for sale in Nova Scotia shall be ~~labeled~~ [labelled] with a registered brand name of a distributor licensed by the Commission, and shall not display any other brand name.

(3) A 60 day notice must be given to the Commission prior to the use of any new package, or variation of an existing package, for fluid milk.

- (4) Unless otherwise ordered by the Commission, upon expiration of the 60 day notice period, any distributor may utilize a new package that complies with these regulations.

N.S. Reg. 198/2000

Made: December 13, 2000

Filed: December 13, 2000

Ministerial Order re: Jeong Ok Lee

Order dated December 13, 2000
made under subsection 125(1) of the
Environment Act

IN THE MATTER OF Chapter 1 of the Statutes of Nova Scotia 1994-95, the
Environment Act (the "*Act*")

- and -

IN THE MATTER OF a Ministerial Order issued pursuant to the provisions of
the said *Act* to **Jeong Ok Lee**, owner of the property located at 2320 Gottingen
Street, Halifax, in Halifax County, Province of Nova Scotia

MINISTERIAL ORDER

I. **WHEREAS** Jeong Ok Lee, owns, occupies, operates or is the person
responsible for the operation of a plant, structure, facility, undertaking or thing, to
wit: a commercial/residential operation which is located at or near 2320 Gottingen
Street, Halifax, in Halifax County, Province of Nova Scotia, hereinafter called the
"Site";

III. **AND WHEREAS** the Minister of the Environment [and Labour] believes
on reasonable and probable grounds that the persons named in this Ministerial Order
have contravened subsection 67(2) and Section 71 of the *Environment Act*;

Environment Act

67 (2) No person shall release or permit the release into the
environment of a substance in an amount, concentration or level
or at a rate of release that causes or may cause a significant
adverse effect, unless authorized by an approval or the
regulations.

71 Any person responsible for the release of a substance under this Part
shall, at that person's own cost, and as soon as that person knows or
ought to have known of the release of a substance into the
environment that has caused, is causing or may cause an adverse
effect,

(a) take all reasonable measures to

(i) prevent, reduce and remedy the adverse effects of the
substance, and

- (ii) remove or otherwise dispose of the substance in such a manner as to minimize adverse effects;
- (b) take any other measures required by an inspector or an administrator; and
- (c) rehabilitate the environment to a standard prescribed or adopted by the Department.

III. **AND WHEREAS** the Minister of ~~the~~ Environment [and Labour] is of the opinion that it is in the public interest to do all things and take all steps necessary to comply with the *Environment Act* or to repair any injury or damage, or to control, eliminate or manage an adverse effect;

IT IS HEREBY ORDERED:

That pursuant to subsection 125(1) of the *Environment Act*, the person named in this Ministerial Order shall, at her own cost, comply with the terms and conditions, including compliance times, set forth in Schedule "A" attached to and forming part of this Ministerial Order.

AND TAKE NOTICE if the person to whom this Ministerial Order is directed fails to comply with the Ministerial Order, or any part thereof, the Minister, pursuant to Section 132 of the *Environment Act*, may take whatever action the Minister considers necessary to carry out the terms and conditions of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister.

AND FURTHER TAKE NOTICE that the appeal provisions respecting the issuance of a Ministerial Order are more fully outlined in Section 138 of the *Environment Act*, including a 30 day time period from the date of the issuance of the Ministerial Order to file an appeal.

DATED at Halifax, in Halifax Regional Municipality, Province of Nova Scotia, this 13th day of December, 2000.

(Signed) *Angus MacIsaac*
The Honourable Angus MacIsaac
Acting Minister of Environment and Labour

Schedule "A"

Terms and Conditions

Jeong Ok Lee**2320 Gottingen Street, Halifax NS**

1. The person named in this Ministerial Order shall forward forthwith to the contact person identified in paragraph two any and all reports prepared by Neill and Gunter or any other consultant in relation to removal of a petroleum storage tank or tanks on July 5, 2000 and the subsequent remedial work at the property located at 2320 Gottingen Street, Halifax NS.
2. Unless otherwise notified in writing by the Minister, the contact person in the Nova Scotia Department of ~~the *Environment Act*~~ [Environment and Labour] is:

Darlene Fenton, District Manager
Central Regional Office
Nova Scotia Department of Environment and Labour
Suite 224, 1595 Bedford Highway
Bedford NS B4A 3Y4

Telephone: (902) 424-2382
Fax: (902) 424-0597

N.S. Reg. 199/2000

Made: December 14, 2000

Filed: December 18, 2000

Manufacturing and Processing Investment
Tax Credit Regulations

Order in Council 2000-631 made December 14, 2000
Regulations made by the Governor in Council
pursuant to subsection 49(10)
of the *Income Tax Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated November 28, 2000, and pursuant to subsection 49(10) of Chapter 217 of the Revised Statutes of Nova Scotia, 1989, the *Income Tax Act*, is pleased to make regulations respecting manufacturing and processing investment tax credit in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 14, 2000.

Schedule "A"

**Regulations Respecting Manufacturing and Processing Investment Tax Credit
made by the Governor in Council pursuant to subsection 49(10) of
Chapter 217 of the Revised Statutes of Nova Scotia, 1989,
the *Income Tax Act***

- 1 These regulations may be cited as the *Manufacturing and Processing Investment Tax Credit Regulations*.
- 2 For the purposes of Section 49 of the Act, where a taxpayer has, prior to January 1, 2001, incurred a capital cost in respect of a qualified property pursuant to a written agreement entered into prior to January 1, 2001, obligating the taxpayer to acquire the qualified property, the following rules apply for the purpose of determining the eligible investment tax credit:
 - (a) where the expected total capital cost for the acquisition of the qualified property is evidenced in writing under the terms of the agreement and where more than 50% of the expected total capital cost of the qualified property is incurred before January 1, 2001, the qualified property shall be deemed to have been acquired prior to January 1, 2001;
 - (b) where the expected total capital cost for the acquisition of the qualified property is evidenced in writing under the terms of the agreement and where 50% or less of the expected total capital cost of the qualified property is incurred before January 1, 2001, that part of the capital cost that is 50% or less shall be deemed to have been acquired prior to January 1, 2001.

N.S. Reg. 200/2000

Made: December 14, 2000

Filed: December 18, 2000

Day Care Regulations

Order in Council 2000-635 made December 14, 2000
Amendment to regulations made by the Governor in Council
pursuant to Section 15
of the *Day Care Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated October 30, 2000, and pursuant to Section 15 of Chapter 120 of the Revised Statutes of Nova Scotia, 1989, the *Day Care Act*, is pleased to amend the regulations respecting day care made by the Governor in Council by Order in Council 79-1556 dated November 27, 1979, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 1, 2001.

Schedule "A"

**Amendments to the regulations respecting day care made pursuant to
Section 15 of Chapter 120 of the Revised Statutes of Nova Scotia, 1989,
the *Day Care Act***

- 1 Section 3 of the regulations respecting day care made by the Governor in Council by Order in Council 79-1556 dated November 27, 1979, is amended by adding the following clause after clause (a):
 - (aa) "infant" means a child who is 17 months of age or younger;
- 2 Section 3 is further amended by repealing clause (c) and substituting the following clauses:
 - (c) "recreational" means single focused activities whose primary purpose is to provide some form of recreation and may include activities such as organized sports;
 - (d) "toddler" means a child who is between the age of 18 months and the age of 35 months inclusive.
- 3 Section 3A of the regulations is amended by adding the following subsection after subsection (3):
 - (3A) Subsections (1), (2) and (3) do not apply to a person operating a facility on the same premises as a licensed facility.
- 4 The regulations are further amended by adding the following Sections immediately after Section 6:

- 6A (1)** All facilities are required to maintain daily records in respect of infants and toddlers and these records shall include
- (a) daily routines, including naps, eating and toileting, noting atypical responses;
 - (b) activities or outings the child participated in, noting the child's preferences and abilities;
 - (c) special information such as unusual occurrences and other pertinent information that is not necessarily a daily occurrence;
 - (d) space for the parents to write special instructions or information in respect of their child.
- (2)** The daily records referred to in subsection (1) shall be available to the parents at the end of each day.
- 6B (1)** All facilities are required to have a written policy for staff and volunteers with respect to permitted and prohibited behaviour guidance practices.
- (2)** The written policy shall be reviewed with staff and volunteers prior to employment and annually thereafter and with the parents of each child at enrolment time.
- (3)** Staff and volunteers must sign a dated document indicating that they have reviewed the written policy as required by subsection (2) and the documentation of this review shall be retained for at least the length of time that the staff and volunteers are employed or providing services to the facility.
- (4)** The written policy must be posted and adhered to at all times.
- 6C** No operator shall
- (a) permit corporal punishment including but not limited to
 - (i) striking a child directly or with any physical object, or
 - (ii) shaking, shoving, spanking, or other forms of aggressive physical conduct;
 - (b) require or force a child to repeat physical movements;
 - (c) use harsh, humiliating, belittling or degrading responses of any form, including verbal, emotional or physical;

- (d) confine or isolate a child; or
 - (e) deprive a child of basic needs including food, shelter, clothing or bedding.
- 5 Section 10 is amended by adding the following subsection immediately after subsection 10(1):
 - (1A)** The play area for infants must be separate from other children.
- 6 Subsection 11(1) of the regulations is repealed and the following subsection substituted:
 - (1)** Every full day program shall have an outdoor play area or access to an equivalent and suitable play area within a reasonable distance of the facility, and the play area must be supervised, safe and sanitary.
- 7 Section 11 is further amended by adding the following subsection immediately after subsection (1):
 - (1A)** A part day program is not required to have an outdoor play area however, where the part day program does have an outdoor play area the play area must comply with the requirements of these regulations.
- 8 The regulations are further amended by adding the following Section immediately after Section 13:
 - 13A (1)** The facility must have a diapering area for infants and toddlers equipped with a counter that is located next to a hand washing sink and has a smooth, non-porous surface.
 - (2)** The location for the counter described in subsection (1) must be such that the staff can see the play room from the diapering area.
- 9 Section 14 of the regulations is repealed.
- 10 Clause 15(c) of the regulations is repealed and the following clause substituted:
 - (c) dishes, cutlery and personal hygiene items on an individual basis and in a sanitary condition at all times;
- 11 The regulations are further amended by adding the following Sections immediately after Section 17:
 - 17A (1)** The sleeping area for infants must be a room separate from the infant play space and must be large enough to accommodate one crib for each infant with 46 centimetres (18 inches) between each crib or a divider between each crib.

- (2) The sleeping area for infants must be under the supervision of staff at all times when infants are present.
- (3) Cribs must have been manufactured after 1986 and must comply with the standards of the *Hazardous Products Act*.

17B Strollers must be equipped with a sun shade.

17C Facilities are not permitted to use playpens, jolly jumpers or walkers for children of any age.

12 The regulations are further amended by adding the following Sections immediately after Section 18:

18A Formula brought to the facility for a child must be labelled as to contents, feeding instructions, name of child, dated and placed in a refrigerator at 4.4 °C or lower and must be used within 24 hours.

18B All open foods must be dated and kept refrigerated at all times except during feedings and must not be kept or used beyond the expiry date.

18C (1) Infants under 6 months of age must be held by an adult staff member during bottle feeding and the feeding of infants by bottle propping is not permitted.

(2) The feeding of infants in cribs is not permitted.

13 Subsection 18(5) of the regulations is repealed.

14 Subsection 19(9) of the regulations is repealed, and the following substituted:

(9) All staff and volunteers caring for infants shall have completed an infant CPR course.

15 The regulations are further amended by adding the following Heading and Sections immediately after Section 19:

Hygiene and Safety

19A Safety belts must be used for infants when they are in highchairs, infant seats and strollers.

19B Staff and volunteers are required to wash their hands before and after diapering each child and before food preparation.

19C The counter of the diapering area must be cleaned with a disinfectant after each diapering.

19D All toys for infants and toddlers must be cleaned with disinfectant when necessary or at least twice weekly and checked for broken pieces or other hazards on a daily basis.

- 19E** Highchair trays must be cleaned with a disinfectant after each use.
- 16 Section 21 of the regulations is repealed and the following Section substituted:
- 21** All staff of a facility, prior to being employed at the facility, shall obtain from a qualified medical practitioner certification that they are free from communicable diseases.
- 17 Subsection 22(1) of the regulations is repealed and the following substituted:
- 22 (1)** For facilities providing a full day program, the ratio of staff working directly with children shall be no lower than
- (a) one staff person to eight children for children between the ages of 36 months and five years;
 - (b) one staff person to every six toddlers;
 - (c) one staff person to every four infants.
- 18 Section 22 of the regulations is amended by adding the following subsections immediately after subsection 22(1):
- (1A)** No facility shall have a group size for infants greater than 10 infants in a group and there shall be no more than 1 group in a room.
- (1B)** No facility shall have a group size for toddlers greater than 18 toddlers in a group and there shall be no more than 1 group in a room.
- 19 Subsections 22(3) and (4) of the regulations are amended by striking out “this Section” wherever it appears and substituting “these regulations”.
- 20 Section 24 of the regulations is amended by adding the following subsection immediately after subsection (9):
- (10)** Infants and toddlers when being transported in vehicles must be seated in child restraint systems certified by Canadian Motor Vehicle Safety Standards (CMVSS).