

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
70 ELIZABETH II, 2021

Bill 263

**An Act to amend the Health Protection and Promotion Act
to permit the regulation, restriction and prohibition of
high fat, high sodium and high sugar food**

Ms F. Gélinas

Private Member's Bill

1st Reading March 11, 2021

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends subsection 96 (3) of the *Health Protection and Promotion Act* to create a new regulatory power that permits the Lieutenant Governor in Council to make regulations that regulate, restrict or prohibit the sale or offering for sale of any food online.

The Bill also adds three new subsections to section 96 of the *Health Protection and Promotion Act* that relate to the regulation, restriction and prohibition of high fat, high sodium and high sugar foods.

Unless regulations are made under the new regulation-making powers, the Minister shall, on every anniversary of the day the Bill receives Royal Assent, table a report in the Legislative Assembly that includes a detailed description of the progress that has been made in developing the regulations, including any public consultations.

**An Act to amend the Health Protection and Promotion Act
to permit the regulation, restriction and prohibition of
high fat, high sodium and high sugar food**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 (1) Subsection 96 (3) of the *Health Protection and Promotion Act* is amended by adding the following clause:

(c.1) regulating, restricting or prohibiting the sale or offering for sale of any food online;

(2) Section 96 of the Act is amended by adding the following subsections:

Regulation under clause (3) (c) — high fat, high sodium and high sugar food at food premises

(3.1) A regulation under clause (3) (c) may,

- (a) determine what constitutes a high fat, high sodium or high sugar food;
- (b) regulate, restrict or prohibit the display of high fat, high sodium or high sugar food on or in food premises, including restricting or prohibiting the display of high fat, high sodium or high sugar food at the entrances, exits, aisle ends and checkout counters of food premises; and
- (c) regulate, restrict or prohibit the sale or offering for sale of high fat, high sodium or high sugar food on or in food premises, including,
 - (i) restricting or prohibiting the sale or offering for sale of high fat, high sodium or high sugar food at the entrances, exits, aisle ends and checkout counters of food premises, and
 - (ii) restricting or prohibiting the sale or offering for sale of high fat, high sodium or high sugar food using volume promotions or promotions offering free refills.

Regulation under clause (3) (c.1) — high fat, high sodium and high sugar food online

(3.2) A regulation under clause (3) (c.1) may regulate, restrict or prohibit the sale or offering for sale of high fat, high sodium or high sugar food online, including restricting or prohibiting the sale or offering for sale of high fat, high sodium or high sugar food on the homepages or payment pages of websites.

Tabling report in Assembly

(3.3) Unless regulations are made under both clauses (3) (c) and (3) (c.1) in respect of regulating, restricting or prohibiting the display, sale or offering for sale of high fat, high sodium or high sugar food, the Minister shall, on every anniversary of the day the *Health Protection and Promotion Amendment Act (Temptation Be Gone), 2021* receives Royal Assent, table a report in the Legislative Assembly that includes a detailed description of the progress that has been made in developing the regulations, including any public consultations.

Commencement

2 This Act comes into force on the day it receives Royal Assent.

Short title

3 The short title of this Act is the *Health Protection and Promotion Amendment Act (Temptation Be Gone), 2021*.