

Health Protection and Promotion Act

ONTARIO REGULATION 136/18

PERSONAL SERVICE SETTINGS

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This is the English version of a bilingual regulation.

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Interpretation

1. In this Regulation,

“invasive procedure” means any procedure that involves the introduction of equipment or instruments into the body or body cavities, by cutting, puncturing or otherwise entering intact skin or mucous membranes; (“acte effractif”)

“operator of a personal service setting” means the person who has responsibility for and control over a personal service setting; (“exploitant d’un établissement de services personnels”)

“personal service” means a personal service, including an invasive procedure, which is provided at a personal service setting as defined in subsection 1 (1) of the Act; (“service personnel”)

“sharps” means any object or instrument capable of causing punctures or cuts, including, but not limited to, needles, syringes, scalpels and razor blades; (“objets pointus ou tranchants”)

“sharps container” means a puncture and leak resistant container with a fill line designed for the safe disposal of sharps; (“contenant pour objets pointus ou tranchants”)

“sterilizer” means any equipment or device used for the destruction of all forms of microbial life, including bacteria, viruses, spores and fungi. (“stérilisateur”)

Application

2. (1) For greater certainty, the premises of a personal service setting may include, but is not limited to, a vehicle, convention, exhibition, fair, festival or trade show. O. Reg. 136/18, s. 2 (1).

(2) This regulation does not apply to,

(a) a hospital within the meaning of the *Public Hospitals Act*;

(b) a retirement home under the *Retirement Homes Act, 2010*;

(c) a long-term care home under the *Fixing Long-Term Care Act, 2021*;

(d) a setting where the personal services are primarily provided by a member of a health profession set out in Schedule 1 to the *Regulated Health Professions Act, 1991* who is engaged in the practice of his or her profession; and

(e) the dwelling of a person receiving a personal service where the personal service is provided at that dwelling. O. Reg. 136/18, s. 2 (2); O. Reg. 297/22, s. 1.

Notice of intention, operation, additional services, construction

3. (1) Every person who intends to operate a personal service setting shall provide notice, in writing, of the intention to the medical officer of health of the health unit in which the personal service setting will be located at least 14 days before commencing the operation.

(2) A notice described in subsection (1) shall include the following:

1. The name, if any, and location of the intended personal service setting.
2. The name and contact information of the person intending to operate the personal service setting.
3. A list of the personal services that will be provided at the personal service setting.

(3) Every operator of a personal service setting who intends to provide additional personal services at the setting shall provide notice in writing of the intention to the medical officer of health of the health unit in which the personal service setting is located at least 14 days before commencing to provide the additional services.

(4) If a personal service setting is being reconstructed or renovated and personal services will not be provided at the setting during that time, the operator of the personal service setting shall provide written notice of the reconstruction or renovation to the medical officer of health of the health unit in which the setting is located in at least 14 days before commencing the reconstruction or renovation.

(5) If a personal service setting is being reconstructed or renovated and personal services will be provided at the setting during that time, the operator of the personal service setting shall provide notice of the reconstruction or renovation and the fact that services will be provided during that time to the medical officer of health of the health unit in which the setting is located before commencing the reconstruction or renovation.

(6) In this section,

“renovation” does not include routine maintenance or repair or replacement of existing equipment.

(7) Despite subsection (1), every operator of a personal service setting that was providing personal services before this Regulation came into force shall provide notice, that includes the information referred to in subsection (2), within 60 days of the coming into force of this Regulation.

Results of inspection to be posted

4. Every operator of a personal service setting shall ensure that the results of any inspections conducted by a public health inspector are posted in accordance with the inspector’s request.

Information re. person seeking personal service

5. (1) Before providing a personal service, the operator of a personal service setting or the person who will be providing the personal service shall obtain the name and contact information of the person seeking the service. O. Reg. 136/18, s. 5.

(2) Subsection (1) does not apply where the only personal service to be provided is a hairdressing or barbering service. O. Reg. 475/19, s. 1.

Information, records re. invasive procedures

6. (1) Before providing an invasive procedure, the operator of a personal service setting or the person who will be providing the invasive procedure shall provide the person seeking the procedure with an explanation of the procedure and information about any risks associated with the procedure.

(2) The person who provides the explanation and information under subsection (1) shall prepare the records referred to in paragraph 3 of subsection 14 (1).

Prohibited services

7. No person shall sell, offer for sale or provide any of the following personal services at a personal service setting:

1. Ear candling or coning.
2. Any personal service involving live aquatic species, including fish pedicures.

Setting requirements

8. (1) Subject to subsections (2) and (3), every operator of a personal service setting shall comply with the following requirements:

1. Any setting must be free from every condition that may constitute a health hazard or adversely affect the sanitary operation of the personal service setting.
2. The floors, walls, ceilings, fixtures and furniture of the setting must be in good repair, easily cleanable, of a smooth and impermeable material and maintained in a sanitary condition.
3. The setting must not be a room or part of a room that is used as a dwelling, including for dining, sleeping or preparing, selling, handling, eating or storing food.
4. The setting must be equipped with potable hot and cold running water under pressure.
5. There must be at least one sink used only for hand washing within the premises of the personal service setting that is,
 - i. conveniently located to the work area,
 - ii. accessible at all times, and
 - iii. continuously supplied with potable hot and cold running water under pressure.
6. There must be a supply of soap in a dispenser and a method of hand drying that uses single-service products or a hot air dryer in close proximity to the sink described in paragraph 5.
7. The lighting and ventilation in the setting must be sufficient to enable the sanitary operation and maintenance of the setting and the safe provision of personal services.
8. The setting must be equipped with receptacles for waste, including biomedical and laundry waste receptacles, where applicable, appropriate for the sanitary operation and maintenance of the setting.
9. The work surfaces at the setting must be of such form and material that they can be readily cleaned and disinfected or sterilized.
10. The setting must have adequate storage space for necessary equipment and supplies.

(2) If personal services are provided in part of a dwelling, the requirements in subsection (1) apply only to the rooms in the dwelling used for the purposes of providing personal services.

(3) Every operator of a personal service setting in which reusable equipment is used shall ensure that the personal service setting has at least one sink, that is not the hand wash sink, that,

- (a) is capable of immersing the largest piece of reusable equipment used at the setting;
- (b) is continuously supplied with potable hot and cold running water under pressure;
- (c) has adequate counter space to prepare the reusable equipment for use and re-use;
- (d) is not located in a room with a toilet; and
- (e) is sufficiently separated from where personal services are provided so as to prevent contamination.

(4) All waste, including biomedical waste, shall be collected and removed from the personal service setting as often as necessary to maintain the setting in a sanitary condition.

(5) Despite anything in this section, the operator of a temporary personal service setting that is located at a special event is not required to ensure that the setting meets the following requirements where it is not reasonably possible to do so:

- 1. The requirements referred to in paragraphs 2 and 7 of subsection (1).
- 2. The requirement that the setting is supplied with hot running water or water under pressure.

(6) Subsection (3) does not apply to the operator of a personal service setting where the personal service setting,

- (a) only provides hairdressing or barbering services; and
- (b) reprocesses reusable equipment before the beginning and after the end of each business day. O. Reg. 475/19, s. 2.

Animals

9. (1) Every operator of a personal service setting shall ensure that the personal service setting is kept free from animals, including birds, aquatic species and reptiles.

(2) Subsection (1) does not apply to,

- (a) service animals described in subsection 80.45 (4) of Ontario Regulation 191/11 (Integrated Accessibility Standards) made under the *Accessibility for Ontarians with Disabilities Act, 2005*; and
- (b) live aquatic species displayed or stored in sanitary tanks.

Equipment

10. (1) Every operator of a personal service setting shall ensure that,

- (a) all equipment used in providing personal services at the setting is maintained in good repair and in a sanitary condition; and
- (b) all equipment used in providing personal services at the setting is,
 - (i) maintained in accordance with the manufacturer's instructions, if any, or

(ii) if no manufacturer's instructions are available, maintained in accordance with the directions, if any, of a medical officer of health or public health inspector.

(2) Despite subclause (1) (b) (i), if a medical officer of health or public health inspector provides directions with respect to the maintenance of equipment to address a potential health hazard, the operator of the personal service setting shall follow the directions of the medical officer of health or public health inspector, as the case may be.

(3) Every operator of a personal service setting shall ensure that if the manufacturer's instructions for equipment used in providing personal services at the setting are available, those instructions are kept at the setting in a location that is accessible to the person providing the personal services.

(4) Every operator of a personal service setting shall ensure that all reusable equipment is cleaned and disinfected or sterilized as often as necessary to prevent disease transmission and,

(a) is cleaned and disinfected or sterilized between each use; or

(b) is covered with a single-use disposable cover intended for the purpose of preventing infection and the cover shall be discarded immediately after each use if the equipment cannot readily be cleaned and disinfected or sterilized between each use and is not introduced into the body or into body cavities.

(5) Every operator of a personal service setting shall ensure that all equipment and instruments that are designed for a single use or made of material that does not withstand cleaning and disinfection or sterilization are discarded immediately after they are used.

(6) Every operator of a personal service setting shall ensure that the following requirements are met with respect to equipment used for invasive procedures:

1. All sharps used at the setting are sterile and for a single use.

2. Sharps must be from packaging that has not been previously opened, damaged or compromised in any way.

(7) Every operator of a personal service setting shall ensure that, immediately after use, all sharps shall be disposed of in a sharps container that is located in close proximity to where the personal service is provided.

(8) Without limiting an operator's obligations under any other Act or law, every operator of a personal service setting shall ensure that sharps containers are,

(a) compliant with standards of the Canadian Standards Association; and

(b) disposed of in accordance with the requirements of the *Environmental Protection Act*, its regulations and any other applicable law of Ontario.

(9) Every operator of a personal service setting shall ensure that sterilizers used at the setting are suitable for sterilizing the equipment used at the setting and meet the standards established by Health Canada and the Canadian Standards Association.

(10) Every operator of a personal service setting shall,

(a) follow any directions of a medical officer of health or public health inspector with respect to sterilizers used at the setting; or

- (b) if a medical officer of health or public health inspector has not issued a direction, ensure that all sterilizers used at the setting are checked and tested at least once every two weeks to ensure that they are adequately destroying micro-organisms.
- (11) If the operator of a personal service setting determines that a sterilizer has failed to adequately sterilize, the operator shall, in writing, inform anyone who provides personal services at the setting of the sterilizer failure and information about actions to be taken to prevent disease transmission, and,

- (a) the operator shall use any alternate method of sterilization as may be specified by a medical officer of health or public health inspector; or
- (b) if a medical officer of health or public health inspector has not specified a method, the operator shall use,
 - (i) an alternate method of sterilization, or
 - (ii) an alternate procedure that prevents disease transmission.

Products

- 11.** (1) Every operator of a personal service setting shall ensure that every product used when providing a personal service is stored and dispensed in a manner which prevents contamination.
- (2) Every operator of a personal service setting shall ensure that disinfectants used in a personal service setting are,
- (a) accompanied by a drug identification number (DIN) or natural product number (NPN) assigned by Health Canada; and
 - (b) used as per the manufacturer's instructions, where available.
- (3) Clause (2) (a) does not apply to chlorine bleach/sodium hypochlorite.

Hygiene, providers of personal services

- 12.** (1) Every operator of a personal service setting shall ensure that every person who provides personal services in the setting practises good personal hygiene and refrains from smoking while providing a personal service.
- (2) Every operator of a personal service setting shall ensure that, as often as necessary to prevent disease transmission and at least before and after providing a personal service, every person who provides services at that setting cleans his or her hands in such a manner as to remove visible soil and kill transient microorganisms from the hands.

Operator training

- 13.** Every operator of a personal service setting shall undertake any health and safety training related to personal service setting operation and maintenance, including training in relevant practices that can prevent or reduce the risk of disease transmission at the setting if required by a medical officer of health or public health inspector to do so.

Records

- 14.** (1) Every operator of a personal service setting shall keep the following records in accordance with subsection (2), if applicable:
- 1. Sterilization records, including,
 - i. the name and type of sterilizer used,

- ii. the date and time when the sterilizer was used,
- iii. the equipment on which the sterilizer was used,
- iv. any preventative maintenance or repairs done on or to a sterilizer and whether the sterilizer functioned properly after the maintenance or repairs, and
- v. the results of any checks or tests done on sterilizers.

2. Disinfection records, including,

- i. the name of the disinfectant,
- ii. the concentration of the disinfectant,
- iii. the date when the disinfectant was prepared, if applicable, and
- iv. the date by which the disinfectant solution must be discarded, if applicable.

3. Records relating to invasive procedures, including,

- i. which procedure was done and the part of the body the procedure was done to,
- ii. the name and contact information of the person who received the procedure,
- iii. the name and contact information of the person who provided the procedure,
- iv. records to document that, where applicable, the information required to be provided under subsection 6 (1) was provided,
- v. the dates of the procedure, and
- vi. the lot numbers and expiry date of the pre-packaged sterile equipment used in the procedure.

4. Records related to accidental exposures to blood or body fluids, including,

- i. the date of the accidental exposures to blood or body fluids,
- ii. the service being provided when the exposure occurred,

- iii. the part of the body that was exposed to blood or body fluids,
- iv. the name and contact information of the person providing the procedure when the exposure occurred,
- v. the action taken by the person referred to in subparagraph iv in response to the exposure, and
- vi. the name and contact information of the person who was exposed to blood or body fluids.

(2) Every operator of a personal service setting shall ensure that the records referred to in subsection (1) are,

- (a) stored at the personal service setting in a secure location for one year or until the setting ceases to operate, whichever is earlier; and
- (b) retained and kept readily available in a secure location for at least two years after the end of the period referred to in clause (a).

(3) Every operator of a personal service setting shall provide the records referred to in subsection (1) to a medical officer of health or public health inspector on request.

15. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

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