

Royal Gazette

Part II Regulations under the Regulations Act

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In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 216/2011

Made: June 23, 2011

Filed: June 24, 2011

Prescribed Petroleum Products Prices

Order dated June 23, 2011
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**NSUARB-GAS-W-11-27****In the Matter of the *Petroleum Products Pricing Act*****- and -**

**In the Matter of Prescribing Prices for Petroleum Products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

Before: Kulvinder S. Dhillon, P. Eng., Member**Order**

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended June 22, 2011, are:

Grade 1 Regular gasoline	72.6¢ per litre
Ultra-low-sulfur diesel oil	78.0¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	72.6¢ per litre
Grade 2	75.6¢ per litre
Grade 3	78.6¢ per litre
Ultra-low-sulfur diesel oil	78.0¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	minus 0.5¢ per litre
Ultra-low-sulfur diesel oil:	minus 0.4¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., June 24, 2011.

Dated at Halifax, Nova Scotia, this 23rd day of June, 2011.

Sgd: *Elaine Wagner*
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on June 24, 2011**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
(Pump Prices includes 15% HST)								
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	78.4	10.0	15.5	103.9	124.1	125.8	124.1	999.9
Mid-Grade Unleaded	81.4	10.0	15.5	106.9	127.5	129.3	127.5	999.9
Premium Unleaded	84.4	10.0	15.5	109.9	131.0	132.7	131.0	999.9
Ultra-Low-Sulfur Diesel	83.9	4.0	15.4	103.3	123.4	125.1	123.4	999.9
Zone 2								
Regular Unleaded	78.8	10.0	15.5	104.3	124.5	126.3	124.5	999.9
Mid-Grade Unleaded	81.8	10.0	15.5	107.3	128.0	129.7	128.0	999.9
Premium Unleaded	84.8	10.0	15.5	110.3	131.4	133.2	131.4	999.9
Ultra-Low-Sulfur Diesel	84.3	4.0	15.4	103.7	123.9	125.6	123.9	999.9
Zone 3								
Regular Unleaded	79.3	10.0	15.5	104.8	125.1	126.8	125.1	999.9
Mid-Grade Unleaded	82.3	10.0	15.5	107.8	128.6	130.3	128.6	999.9
Premium Unleaded	85.3	10.0	15.5	110.8	132.0	133.7	132.0	999.9
Ultra-Low-Sulfur Diesel	84.8	4.0	15.4	104.2	124.4	126.2	124.4	999.9
Zone 4								
Regular Unleaded	79.3	10.0	15.5	104.8	125.1	126.8	125.1	999.9
Mid-Grade Unleaded	82.3	10.0	15.5	107.8	128.6	130.3	128.6	999.9
Premium Unleaded	85.3	10.0	15.5	110.8	132.0	133.7	132.0	999.9
Ultra-Low-Sulfur Diesel	84.8	4.0	15.4	104.2	124.4	126.2	124.4	999.9
Zone 5								
Regular Unleaded	79.3	10.0	15.5	104.8	125.1	126.8	125.1	999.9
Mid-Grade Unleaded	82.3	10.0	15.5	107.8	128.6	130.3	128.6	999.9
Premium Unleaded	85.3	10.0	15.5	110.8	132.0	133.7	132.0	999.9
Ultra-Low-Sulfur Diesel	84.8	4.0	15.4	104.2	124.4	126.2	124.4	999.9
Zone 6								
Regular Unleaded	80.1	10.0	15.5	105.6	126.0	127.8	126.0	999.9
Mid-Grade Unleaded	83.1	10.0	15.5	108.6	129.5	131.2	129.5	999.9
Premium Unleaded	86.1	10.0	15.5	111.6	132.9	134.7	132.9	999.9
Ultra-Low-Sulfur Diesel	85.6	4.0	15.4	105.0	125.4	127.1	125.4	999.9

N.S. Reg. 217/2011

Made: June 28, 2011

Filed: June 29, 2011

Proclamation, S. 159, S.N.S. 2010, c. 37

Order in Council 2011-224 dated June 28, 2011
Proclamation made by the Governor in Council
pursuant to Section 159 of the
Labour Board Act

The Governor in Council on the report and recommendation of the Minister of Labour and Advanced Education dated June 3, 2011, and pursuant to Section 159 of Chapter 37 of the Acts of 2010, the *Labour Board Act*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that clauses 9(2)(d) and (e), subsections 19(2) and 20(2), Sections 84 and 85, clause 86(c), Sections 87 and 88, subsections 89(1), (2), (4) and (6), Sections 90 to 94, subsection 95(2), Sections 96 and 97, clauses 98(e) and (f) and Sections 99 to 126 of Chapter 37 of the Acts of 2010, the *Labour Board Act*, do come into force on and not before June 30, 2011.

PROVINCE OF NOVA SCOTIA

sgd: J. Michael MacDonald

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 159 of Chapter 37 of the Acts of 2010, the *Labour Board Act*, it is enacted as follows:

159 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that clauses 9(2)(d) and (e), subsections 19(2) and 20(2), Sections 84 and 85, clause 86(c), Sections 87 and 88, subsections 89(1), (2), (4) and (6), Sections 90 to 94, subsection 95(2), Sections 96 and 97, clauses 98(e) and (f) and Sections 99 to 126 of Chapter 37 of the Acts of 2010, the *Labour Board Act*, do come into force on and not before June 30, 2011;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that clauses 9(2)(d) and (e), subsections 19(2) and 20(2), Sections 84 and 85, clause 86(c), Sections 87 and 88, subsections 89(1), (2), (4) and (6), Sections 90 to 94, subsection 95(2), Sections 96 and 97, clauses 98(e) and (f) and Sections 99 to 126 of Chapter 37 of the Acts of 2010, the *Labour Board Act*, do come into force on and not before June 30, 2011, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour
the Honourable J. Michael MacDonald,
Administrator of the Government of the Province
of Nova Scotia.

AT Our Law Courts in the Halifax Regional
Municipality, this 28th day of June in the year of
Our Lord two thousand and eleven and in the
sixtieth year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 218/2011

Made: June 28, 2011

Filed: June 29, 2011

Proclamation, S. 28, S.N.S. 2011, c. 19

Order in Council 2011-225 dated June 28, 2011

Proclamation made by the Governor in Council

pursuant to Section 28 of

*An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code,
Respecting Worker Recruitment and Protection*

The Governor in Council on the report and recommendation of the Minister of Labour and Advanced Education dated June 3, 2011, and pursuant to Section 28 of Chapter 19 of the Acts of 2011, *An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, Respecting Worker Recruitment and Protection*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that the following provisions of Chapter 19 of the Acts of 2011, *An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, Respecting Worker Recruitment and Protection*, do come into force on and not before June 30, 2011:

- (a) clauses 1(a), (c), (e) and (f), and Section 2;
- (b) clauses 3[7](cb) and (cc) of the *Labour Standards Code*, as enacted by Section 3 of Chapter 19;
- (c) Section 4, clauses 5(a) to (d), Sections 6 and 7 and subsection 8(1);
- (d) subsection 21(3B) of the *Labour Standards Code* as enacted by subsection 8(2) of Chapter 19;
- (e) subsections 8(3) to (7) and Sections 9 to 20;
- (f) the heading preceding Section 89B and Sections 89B and Sections 89D to 89G of the *Labour Standards Code* as enacted by Section 21 of Chapter 19; and
- (g) Sections 22 to 27.

PROVINCE OF NOVA SCOTIA

sgd: J. Michael MacDonald

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 28 of Chapter 19 of the Acts of 2011, *An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, Respecting Worker Recruitment and Protection*, it is enacted as follows:

- 28** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that clauses 1(a), (c), (e) and (f), and Section 2; clauses 3[7](cb) and (cc) of the *Labour Standards Code*, as enacted by Section 3 of Chapter 19; Section 4, clauses 5(a) to (d), Sections 6 and 7 and subsection 8(1); subsection 21(3B) of the *Labour Standards Code* as enacted by subsection 8(2) of Chapter 19; subsections 8(3) to (7) and Sections 9 to 20; the heading preceding Section 89B and Sections 89B and Sections 89D to 89G of the *Labour Standards Code* as enacted by Section 21 of Chapter 19; and Sections 22 to 27 of Chapter 19 of the Acts of 2011, *An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, Respecting Worker Recruitment and Protection*, do come into force on and not before June 30, 2011;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that clauses 1(a), (c), (e) and (f), and Section 2; clauses 3[7](cb) and (cc) of the *Labour Standards Code*, as enacted by Section 3 of Chapter 19; Section 4, clauses 5(a) to (d), Sections 6 and 7 and subsection 8(1); subsection 21(3B) of the *Labour Standards Code* as enacted by subsection 8(2) of Chapter 19; subsections 8(3) to (7) and Sections 9 to 20; the heading preceding Section 89B and Sections 89B and Sections 89D to 89G of the *Labour Standards Code* as enacted by Section 21 of Chapter 19; and Sections 22 to 27 of Chapter 19 of the Acts of 2011, *An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, Respecting Worker Recruitment and Protection*, do come into force on and not before June 30, 2011, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour
the Honourable J. Michael MacDonald,
Administrator of the Government of the Province
of Nova Scotia.

AT Our Law Courts in the Halifax Regional Municipality, this 28th day of June in the year of Our Lord two thousand and eleven and in the sixtieth year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 219/2011

Made: June 28, 2011

Filed: June 29, 2011

General Labour Standards Code Regulations

Order in Council 2011-226 dated June 28, 2011
Amendment to regulations made by the Governor in Council
pursuant to Section 7 of the *Labour Standards Code*

The Governor in Council on the report and recommendation of the Minister of Labour and Advanced Education dated June 1, 2011, and pursuant to Section 7 of Chapter 246 of the Revised Statutes of Nova Scotia, 1989, the *Labour Standards Code*, is pleased to amend the general regulations respecting labour standards, N.S. Reg. 298/90, made by Order in Council 90-1321 dated November 13, 1990, to provide for changes consequential to Chapter 37 of the Acts of 2010, the *Labour Board Act*, and Chapter 19 of the Acts of 2011, *An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, Respecting Worker Recruitment and Protection*, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 30, 2011.

Schedule "A"

**Amendment to the General Regulations Respecting Labour Standards
made by the Governor in Council under Section 7 of
Chapter 246 of the Revised Statutes of Nova Scotia, 1989,
the *Labour Standards Code***

- 1 (1) Section 2 of the general regulations respecting labour standards, N.S. Reg. 298/90, made by the Governor in Council by Order in Council 90-1321 dated November 13, 1990, is amended by adding the following subsection immediately after subsection (1):
 - (1A) Where Section 89F of the Code applies with respect to a foreign worker, that Section prevails despite anything in this Section.
- (2) Subsection 2(7) of the regulations is repealed.
- (3) Subsection 2(9) of the regulations is amended by striking out "The Unemployment Insurance Job Creation Program referred to as the "Section 25, Developmental Use of Unemployment for Job Creation"" and substituting "Training or employment activity referred to in Section 25 of the *Employment Insurance Act* (Canada)".

- 2 Subsection 3(2) of the regulations is amended by striking out “Tribunal’s Rules of Procedure” and substituting “Board’s Rules of Procedure in matters pursuant to the Code”.
- 3 (1) Subsection 4(1) of the regulations is amended by
- (a) striking out “Tribunal’s” in the text before clause (a) and substituting “Board’s”;
 - (b) striking out “Chairman of the Tribunal” in clause (a) and substituting “Chair of the Board”;
and
 - (c) striking out “Tribunal” in clause (b) and substituting “Board”.
- (2) Subsection 4(2) of the regulations is amended by
- (a) striking out “provided for by these regulations” and substituting “approved by the Director or the Board, as the case may be,”; and
 - (b) striking out “Tribunal” wherever it appears and substituting “Board”.
- 4 (1) Subsection 5(1) of the regulations is amended by striking out “Form 1” and substituting “a form approved by the Director, as set out in the rules of the Board”.
- (2) Clause 5(2)(a) of the regulations is amended by striking out “or Section 81” and substituting “, Section 81 or Section 81A”.
- (3) Subsection 5(3) of the regulations is amended by striking out “Tribunal” and substituting “Board”.
- 5 (1) The heading immediately before Section 6 of the regulations is amended by striking out “Tribunal” and substituting “Board”.
- (2) Subsection 6(1) of the regulations is amended by
- (a) striking out “Tribunal” and substituting “Board”; and
 - (b) striking out “Form 2” and substituting “a form approved by the Board”.
- (3) Subsection 6(2) of the regulations is amended by striking out “Tribunal” and substituting “Board”.
- (4) Subsection 6(3) of the regulations is amended by striking out “Tribunal” and substituting “Board”.
- (5) Subsection 6(4) of the regulations is amended by
- (a) striking out “21 and 81” and substituting “21, 81 and 81A”; and
 - (b) striking out “Tribunal” both times where it appears and substituting “Board”.
- 6 Subsection 6(5) of the regulations is amended by
- (a) striking out “Tribunal” and substituting “Board”; and
 - (b) striking out “Form 1” and substituting “a form approved by the Director, as set out in the rules of the Board”.

- 7 (1) Clause 7(1)(b) of the regulations is amended by striking out “Tribunal” and substituting “Board”.
- (2) Subsection 7(2) of the regulations is amended by
- (a) striking out “Tribunal” and substituting “Board”; and
 - (b) striking out “Form 2” and substituting “a form approved by the Board”.
- 8 Section 11 of the regulations is repealed and the following Section substituted:
- 11 (1)** For [the] purposes of clause 84(1)(a) of the Code, the prescribed amount is \$2000.
- (2)** Where security in the form of a bond is furnished to the Board in accordance with clause 84(1)(b) of the Code, the amount of the bond shall be
- (a) the total pay found by the Director to be unpaid by the employer to the employees; or
 - (b) an amount other than unpaid pay that the Director has found to be owing to an individual.
- (3)** An amount paid to the Board pursuant to clause 84(1)(a) of the Code shall be paid out
- (a) where there is no appeal to the Court of Appeal under subsection 20(2) of the Code, in accordance with the decision of the Board after 30 days from the date of service of the order of the Board; and
 - (b) where there is an appeal to the Court of Appeal under subsection 20(2) of the Code, after the appeal has been determined and any proceedings arising from it have been concluded.
- (4)** A bond required by the Board pursuant to clause 84(1)(b) of the Code shall state that it is payable to the Board
- (a) where there is no appeal to the Court of Appeal under subsection 20(2) of the Code, after 30 days from the date of service of the order of the Board; and
 - (b) where there is an appeal to the Court of Appeal under subsection 20(2) of the Code, after the appeal has been determined and any proceedings arising from it have been concluded.
- 9 Section 12 of the regulations is amended by
- (a) striking out “Tribunal” and substituting “Board”;
 - (b) adding “or any person referred to in Section 81A of the Code, as the case may be,” immediately after “employer” the first time it appears; and
 - (c) adding “or the person referred to in Section 81A of the Code” immediately after “employer” the second time it appears.
- 10 Section 13 of the regulations is repealed and the following Section substituted:
- 13** The rules of the Board governing its practice and procedure shall set out the forms

- (a) that may, in accordance with the Code and these regulations, be used in relation to a complaint to the Director; and
- (b) that shall, in accordance with the Code and these regulations, be used in relation to an appeal or a complaint to the Board.

11 “Schedule A - Forms” to the regulations is repealed.

N.S. Reg. 220/2011

Made: June 28, 2011

Filed: June 29, 2011

Summary Offence Tickets Regulations

Order in Council 2011-228 dated June 28, 2011
Amendment to regulations made by the Governor in Council
pursuant to Section 8 of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated May 31, 2011, and pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, is pleased to amend the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, to designate certain offences under the *Motor Vehicle Act* as summary offence ticket offences and set the out-of-court settlement amounts for the offences, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after June 28, 2011.

Order

I, Ross Landry, Minister of Justice and Attorney General of Nova Scotia, hereby order and direct pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, that the penalty to be entered on a summons in respect of an offence set out in the amendments to Schedules PT and 4 to the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, as set forth in Schedule “A”, is the amount of the out-of-court settlement set out in clause 5A(1)(b) of the *Summary Offence Tickets Regulations* that corresponds to the offence category set out opposite the description of the offence in Schedule “A”, and the out-of-court settlement amount includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

This Order is effective on and after the later of June 1, 2011, and the making by the Governor in Council of the amendments to the *Summary Offence Tickets Regulations* set out in Schedule “A”.

Dated and made May 31, 2011, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Ross Landry*
Honourable Ross Landry
Minister of Justice and Attorney General
of Nova Scotia

Schedule "A"

**Amendment to the Summary Offence Tickets Regulations
made by the Governor in Council pursuant to Section 8 of Chapter 450
of the Revised Statutes of Nova Scotia, 1989,
the Summary Proceedings Act**

1 Schedule PT to the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, is amended by striking out items 5 to 17 and substituting the following items:

5.	Stopping or parking in intersection	143(1)(a)	A (parking)
6.	Stopping or parking on or within 5 m of crosswalk	143(1)(b)	A (parking)
7.	Stopping or parking between safety zone and adjacent curb or within 10 m of safety zone	143(1)(c)	A (parking)
8.	Stopping or parking within 7.5 m of intersection of curb lines	143(1)(d)	A (parking)
9.	Stopping or parking within 5 m of intersection of property lines	143(1)(d)	A (parking)
10.	Stopping or parking within 10 m of traffic sign or signal (specify)	143(1)(e)	A (parking)
11.	Stopping or parking within 5 m of fire station driveway	143(1)(f)	A (parking)
12.	Stopping or parking within 5 m of fire hydrant	143(1)(g)	A (parking)
13.	Stopping or parking in front of driveway	143(1)(h)	A (parking)
14.	Stopping or parking on sidewalk	143(1)(i)	A (parking)
15.	Stopping or parking where traffic would be obstructed	143(1)(j)	A (parking)
16.	Stopping or parking on roadway side of other stopped or parked vehicle	143(1)(k)	A (parking)
17.	Stopping or parking where prohibited by sign	143(1)(l)	A (parking)
17A.	Stopping or parking within 15 m of railway crossing	143(1)(m)	A (parking)
17B.	Stopping or parking on crest of grade where view obstructed	143(1)(n)	A (parking)
17C.	Parking in bicycle lane	143(2)	A (parking)

2 Schedule 4 to the regulations is amended by adding the following item immediately after item 207:

207A. Operating vehicle in bicycle lane 131A G

3 Schedule 4 to the regulations is further amended by striking out items 223 to 237 and substituting the following items:

223.	Stopping or parking in intersection	143(1)(a)	A (parking)
224.	Stopping or parking on or within 5 m of crosswalk	143(1)(b)	A (parking)
225.	Stopping or parking between safety zone and adjacent curb or within 10 m of safety zone	143(1)(c)	A (parking)
226.	Stopping or parking within 7.5 m of intersection of curb lines	143(1)(d)	A (parking)
227.	Stopping or parking within 5 m of intersection of property lines	143(1)(d)	A (parking)
228.	Stopping or parking within 10 m of traffic sign or signal (specify)	143(1)(e)	A (parking)
229.	Stopping or parking within 5 m of fire station driveway	143(1)(f)	A (parking)
230.	Stopping or parking within 5 m of fire hydrant	143(1)(g)	A (parking)
231.	Stopping or parking in front of driveway	143(1)(h)	A (parking)
232.	Stopping or parking on sidewalk	143(1)(i)	A (parking)
233.	Stopping or parking where traffic would be obstructed	143(1)(j)	A (parking)
234.	Stopping or parking on roadway side of other stopped or parked vehicle	143(1)(k)	A (parking)
235.	Stopping or parking where prohibited by sign	143(1)(l)	A (parking)
236.	Stopping or parking within 15 m of railway crossing	143(1)(m)	A (parking)
237.	Stopping or parking on crest of grade where view obstructed	143(1)(n)	A (parking)
237A.	Parking in bicycle lane	143(2)	A (parking)

4 Schedule 4 to the regulations is further amended by striking out items 283 and 284 and substituting the following items:

283. Failing to ride bicycle in available bicycle lane 171(3) A

284.	Failing to ride bicycle on far right side of roadway or shoulder	171(4)	A
284A.	Failing to ride bicycle in same direction as flow of traffic	171(5)	A
284B.	Failing to ride bicycle in single file	171(6)	A
284C.	Vehicle passing bicycle travelling on right when there is insufficient space or less than 1 m between vehicle and cyclist (specify)	171B(1)	D

N.S. Reg. 221/2011

Made: June 30, 2011

Filed: June 30, 2011

Proclamation, S. 35, S.N.S. 2011, c. 7

Order in Council 2011-233 dated June 30, 2011
Proclamation made by the Governor in Council
pursuant to Section 35 of the
Fair Drug Pricing Act

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated June 9, 2011, and pursuant to Section 35 of Chapter 7 of the Acts of 2011, the *Fair Drug Pricing Act*, is pleased to order and declare by proclamation that Chapter 7 of the Acts of 2011, the *Fair Drug Pricing Act*, do come into force on and not before July 1, 2011.

PROVINCE OF NOVA SCOTIA

sgd: **J. Michael MacDonald**

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 35 of Chapter 7 of the Acts of 2011, the *Fair Drug Pricing Act*, it is enacted as follows:

35 This Act comes into force on such day as the Governor in Council orders and declares on proclamation.

AND WHEREAS it is deemed expedient that Chapter 7 of the Acts of 2011, the *Fair Drug Pricing Act*, do come into force on and not before July 1, 2011;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 7 of the Acts of 2011, the *Fair Drug Pricing Act*, do come into force on and not before July 1, 2011, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent and the Great Seal of Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour the Honourable J. Michael MacDonald, Administrator of the Government of the Province of Nova Scotia.

AT Our Law Courts in the Halifax Regional Municipality, this 30th day of June in the year of Our Lord two thousand and eleven and in the sixtieth year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 222/2011 to 226/2011

Made: June 30, 2011

Filed: June 30, 2011

Drug Plan Regulations, Fair Drug Pricing Regulations,
Seniors' Pharmacare Program Regulations, Family
Pharmacare Regulations and Provider Appeals Regulations

Order in Council 2011-234 dated June 30, 2011
Regulations made by the Governor in Council
pursuant to Sections 6, 7, 17 and 31 of the
Fair Drug Pricing Act

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated June 9, 2011, and pursuant to Sections 6, 7, 17, and 31 of Chapter 7 of the Acts of 2011, the *Fair Drug Pricing Act*, is pleased, effective on and after July 1, 2011,

- (a) pursuant to subsections 6(2) and (4), 17(2) and 31(2) and (4) of the Act, to
 - (i) repeal the regulations respecting the *Insured Prescription Drug Plan*, N.S. Reg. 88/74, made by the Governor in Council by Order in Council 74-1043 dated September 24, 1974, and
 - (ii) make new regulations respecting the drug plan in the form set forth in Schedule "A" attached to and forming part of the report and recommendation;
- (b) pursuant to subsections 17(2) and 31(2) and (4) of the Act, to

- (i) repeal the *Pharmacare Tariff Regulations*, N.S. Reg. 337/2007, made by the Governor in Council by Order in Council 2007-393 dated July 13, 2007, and
 - (ii) make new regulations respecting fair drug pricing in the form set forth in Schedule “B” attached to and forming part of the report and recommendation;
- (c) pursuant to subsections 6(2), 7(1) and 31(1) of the Act, to
- (i) repeal the *Seniors’ Pharmacare Program Regulations*, N.S. Reg. 162/2000, made by the Governor in Council by Order in Council 2000-471 dated September 20, 2000, and
 - (ii) make new regulations respecting the seniors’ pharmacare program in the form set forth in Schedule “C” attached to and forming part of the report and recommendation;
- (d) pursuant to subsections 6(2), 7(1) and 31(1) of the Act, to
- (i) repeal the *Family Pharmacare Program Regulations*, N.S. Reg. 446/2007, made by the Governor in Council by Order in Council 2007-608 dated November 21, 2007, and
 - (ii) make new regulations respecting the family pharmacare program in the form set forth in Schedule “D” attached to and forming part of the report and recommendation; and
- (e) pursuant to subsections 17(2) and 31(3) of the Act, to make new regulations respecting provider appeals in the form set forth in Schedule “E” attached to and forming part of the report and recommendation.

N.S. Reg. 222/2011

Drug Plan Regulations

Schedule “A”

Regulations Respecting the Drug Plan
made pursuant to subsections 6(2) and (4), 17(2) and 31(2) and (4) of Chapter 7 of
the Acts of 2011, the *Fair Drug Pricing Act*

Citation

1 These regulations may be cited as the *Drug Plan Regulations*.

Definitions for the Act and regulations

2 (1) In the Act and these regulations,

- (a) “benefit” is further defined to mean a drug, device or service described in clause 2(c) of the Act for which a prescription has been issued;
- (b) “provider” is further defined to include a pharmacy licensed under the *Pharmacy Act* that has entered into an agreement with the Minister respecting the tariff and has been designated as a provider, or in a class of providers.

(2) In these regulations,

“Act” means the *Fair Drug Pricing Act*;

“health card” means identification with a person’s health card number and issued by the Minister;

“health card number” means a unique identification number assigned by the Minister to individuals insured under the *Health Services and Insurance Act*;

“hospital” has the same meaning as in the *Hospitals Act*;

“product” means a drug or a combination of drugs in a single dosage form;

“similar active ingredients” means active drug ingredients, such as different salts, esters, complexes or solvates, of the same therapeutic moiety.

Conditions for designating provider not licensed under *Pharmacy Act*

3 A supplier of drugs, devices or services that is not licensed as a pharmacy under the *Pharmacy Act* must meet one of the following to be designated as a provider under Section 17 of the Act:

- (a) the supplier is designated as a provider before the effective date of these regulations;
- (b) the supplier is a hospital and has entered into an agreement with the Province regarding payment for any drugs, devices and services supplied.

Information on provider receipts for beneficiaries

4 Effective July 1, 2012, a provider must give a beneficiary a receipt containing all of the following information for any benefit the provider claims:

- (a) the cost of the drug, device, or service and the mark-up on the cost of the drug;
- (b) the dispensing fee;
- (c) the total prescription price.

Proof of enrolment

5 When requested by a provider, a beneficiary must show their health card to the provider, so that the provider can verify proof of their eligibility for any benefits being received.

Reasons for restricting, refusing, suspending, varying or discontinuing payment of benefits

6 The following are the circumstances under which the Minister may restrict, refuse, suspend, vary or discontinue payment of benefits to or on behalf of a beneficiary or other person under subsection 8(4) of the Act:

- (a) the beneficiary or other person fraudulently claims for benefits under the Plan;
- (b) the beneficiary or other person habitually claims for unnecessary benefits under the Plan;
- (c) the beneficiary or other person has outstanding unpaid premiums, deductibles or copayments under the Plan.

Sufficient supply of drug condition of designation

7 (1) The Minister must be satisfied that a manufacturer can supply a drug in sufficient quantity for residents before designating the drug as a benefit.

- (2) If a manufacturer is unable to supply a drug designated as a benefit for any of the following time periods, it may result in cancellation of the designation under subsection 9(2) of the Act:
- (a) a 30-day period;
 - (b) more frequently than 4 times in a 12-month period.

Conditions for designating product as interchangeable

8 To be designated as interchangeable with another product under subsection 9(1) of the Act and dispensed in accordance with Section 28 of the *Pharmacy Act*, a product in a particular strength identified by a specific product name or manufacturer must meet all criteria imposed by the Minister and set out in the benefits list under subsection 11(2) of the Act, and 1 of the following criteria:

- (a) the product must contain the drug or drugs in the same amounts as the other product;
- (b) the product must contain the same or similar active ingredients in the same or similar form as the other product.

Correcting errors in designations

9 (1) The Minister may amend a designation or a modification or cancellation of a designation of a drug, device or service as a benefit to correct any of the following errors:

- (a) a clerical or typographical error;
- (b) an accidental or inadvertent error, omission or similar mistake;
- (c) an error in computation.

(2) An amendment under subsection (1) is effective as of the date of the original designation, modification or cancellation unless a later date is specified by the Minister in the amendment.

Committees

10 (1) Before a person appointed to a committee begins their duties, the Minister may require the person to take an oath to the effect that the person will not divulge any information received by the person in the course of their duties as a member of the committee, unless authorized by the Minister.

(3)* Subject to the powers, duties and functions conferred on it, a committee may make rules respecting any matter it requires, including:

- (a) governing the calling of its meetings;
- (b) the procedure to be used at its meetings;
- (c) the conduct of business at its meetings;
- (d) reporting on its business carried out.

[* numbering as in original]

N.S. Reg. 223/2011

Fair Drug Pricing Regulations

Schedule “B”**Regulations Respecting Fair Drug Pricing
made pursuant to subsections 17(2) and 31(2) and (4) of Chapter 7 of
the Acts of 2011, the *Fair Drug Pricing Act*****Citation**

1 These regulations may be cited as the *Fair Drug Pricing Regulations*.

Definitions

2 In these regulations,

“Act” means the *Fair Drug Pricing Act*;

“incentive for prompt payment” means a financial incentive given by a seller to a provider for prompt payment within 15 days or less, in an amount that equals no more than a 2% discount or equivalent incentive;

“interchangeable product” means a product in a particular strength identified by a specific product name or manufacturer and designated as interchangeable;

“manufacturer’s list price” or “MLP” means a manufacturer’s published price at which a drug or device is sold to a provider or wholesaler that does not include any mark-up for distribution;

“maximum reimbursable price” means the maximum cost for a drug established by the Minister under the Plan that is reimbursed to a provider or beneficiary for a category of interchangeable products;

“notice of compliance” means the notice of compliance issued for a drug under the *Food and Drug Regulations* made under the *Food and Drugs Act* (Canada);

“original product” means the product that holds the original notice of compliance for that product strength and form;

“product” means a drug or a combination of drugs in a single dosage form;

“professional allowance” means an advantage, in the form of money, services or educational materials, that is provided by a manufacturer to a provider for the purposes of direct patient care, including for any of the following:

- (i) continuing education programs that enhance the scientific knowledge or professional skills of pharmacists,
- (ii) continuing education programs for specialized pharmacy services or specialized certifications,
- (iii) clinic days provided by the provider to the general public to disseminate disease or drug-related information, such as flu shot clinics, asthma clinics and diabetes management clinics,

- (iv) education days provided by the provider to the general public for health protection and promotion activities and held in 1 of the following places, or a place that is generally similar to the following:
 - (A) the provider's premises,
 - (B) a school,
 - (C) a long-term care facility,
 - (D) a community centre,
 - (E) a place of worship,
 - (F) a shopping mall,
- (v) compliance packaging that assists patients with complicated medication regimens,
- (vi) disease management and prevention initiatives used in the provider's premises, such as patient information material and services, blood pressure monitoring, blood glucose meter training, asthma management and smoking cessation assistance,
- (vii) private counselling areas within the provider's premises,
- (viii) clinical pharmacy services for hospital in-patients or long-term care facility patients, such as medication reconciliation initiatives or other clinical pharmacy priorities identified by the hospital or long-term care facility;

“rebate” means any rebate paid by a manufacturer to a provider other than an incentive for prompt payment, including any advantage provided in any of the following or similar forms:

- (i) money,
- (ii) discounts,
- (iii) refunds,
- (iv) trips,
- (v) free goods.

Maximum price for interchangeable products

- 3 (1)** Except as provided in subsection (2), all of the following criteria must be met for an interchangeable product to be designated, or continue to be designated, as a benefit:
- (a) the cost to the provider for the product from a manufacturer or a wholesaler must not exceed the maximum as set out in the following table on and after the applicable start date:

Start Date	Maximum cost to provider for interchangeable product
July 1, 2011	45% of the MLP of the original product as of April 11, 2011
January 1, 2012	40% of the MLP of the original product as of April 11, 2011
July 1, 2012	35% of the MLP of the original product as of April 11, 2011
July 1, 2012	35% of the MLP of the original product as of the date that a notice of compliance is issued for the first product in a new category of interchangeable products

- (b) the manufacturer reports any rebates and professional allowances in relation to the benefit in accordance with Section 5.
- (2) An interchangeable product that does not meet the criteria in clause (1)(a) may be designated as a benefit and a different maximum cost to the provider set by the Minister if any of the following conditions apply:
- (a) documentation provided by the manufacturer supports a maximum cost to provider that exceeds the percentage of the MLP of the original product as set out in the table in clause (1)(a);
- (b) the interchangeable original product is no longer sold in Canada.
- (3) A maximum reimbursable price must be established for each interchangeable product designated as a benefit.

Interchangeable product cost increases

- 4 If the cost of an interchangeable product to a provider increases, the Minister may require a manufacturer to provide documentation satisfactory to the Minister to support the increase in order to continue the product's designation as a benefit.

Requirement to report rebates

- 5 (1) The Minister may require a provider to report any rebates and professional allowances received in relation to an interchangeable product designated as a benefit.
- (2) The Minister may require a manufacturer to report any rebates and professional allowances provided in relation to an interchangeable product that is designated as a benefit.

N.S. Reg. 224/2011

Seniors' Pharmacare Program Regulations

Schedule "C"

**Regulations Respecting the Seniors' Pharmacare Program
made pursuant to subsections 6(2), 7(1) and 31(1) of Chapter 7 of
the Acts of 2011, the *Fair Drug Pricing Act***

Citation

- 1 These regulations may be cited as the *Seniors' Pharmacare Program Regulations*.

Definitions

2 In these regulations,

“Act” means the *Fair Drug Pricing Act*;

“benefit period” means April 1 to March 31 of the following year;

“common-law partner” of an individual means another individual who has cohabited with the individual in a conjugal relationship for a period of at least 1 year;

“CRA” means the Canada Revenue Agency;

“health card” means identification with a person’s health card number and issued by the Minister;

“health card number” means a unique identification number assigned by the Minister to individuals insured under the *Health Services and Insurance Act*;

“senior” means a resident who is 65 years old or older;

“Program” means the Seniors’ Pharmacare Program established under the Plan to provide coverage to seniors for benefits;

“spouse” means, with respect to any individual, an individual who is cohabiting with that individual in a conjugal relationship as married spouse, registered domestic partner or common-law partner.

Program coverage

3 (1) Coverage under the Program is available to all seniors.

(2) Except as provided in subsection (2), coverage under the Program is insurance of last resort and no amount may be paid under these regulations for benefits supplied to any beneficiary if

(a) coverage in respect of the benefits has been paid under any contract or plan of insurance that applies to the beneficiary; or

(b) coverage in respect of the benefits would be payable if claimed in any jurisdiction under any contract or plan of insurance that applies to the beneficiary.

(3) A senior may apply to the Minister for coverage of expenses they incur to purchase benefits as described in subsection (2) if the expenses are greater than the expenses the senior would have incurred for payment of premiums and copayments under Section 4.

Funding of Program

4 (1) The Seniors’ Pharmacare Program must be funded by all of the following:

(a) money appropriated by the House of Assembly;

(b) premiums paid by each beneficiary, other than those granted a waiver under Section 8;

(c) copayments paid by beneficiaries.

(2) The Minister must determine the maximum copayment payable per prescription and the maximum amount of copayments payable per beneficiary for a benefit period.

- (3) Subject to any reductions or waivers under Section 8, the Minister must determine the maximum amount of premiums payable per beneficiary for a benefit period.
- (4) The Minister must determine the available methods for payment of copayments and premiums.
- (5) The aggregate amount of all copayments and premiums paid under the Program during any fiscal year of the Program must not be greater than 25%, plus or minus 3%, of the budgeted total cost of the Program for the fiscal year.

Application for enrolment and deadline

- 5** (1) To enrol in the Program without penalty, a resident must apply to the Minister no later than 3 months after
- (a) turning 65 years old; or
 - (b) for a senior who takes up residence in the Province, no later than 3 months after obtaining a health card number.
- (2) A senior who fails to register for the Program within the time limits specified in subsection (1), may apply to the Minister for late enrolment.
- (3) The Minister may approve or deny an application for late enrolment under subsection (2), and may consider the applicant's health status when deciding whether to approve or deny the application.

Effect of late enrolment

- 6** (1) A senior who is approved for late enrolment under subsection 5(3) must pay 1.5 times the premium that would apply if they were applying without penalty under subsection 5(1) for a total of 5 years, as follows:
- (a) for the fiscal year in which enrolment begins; and
 - (b) for the 4 years of coverage after the first year in clause (a).
- (2) There is a 90-day waiting period from the date a late enrolment is approved under subsection 5(3) to the date coverage begins.
- (3) Despite subsections (1) and (2), a senior who provides proof of private prescription drug insurance since becoming a senior is exempt from subsections (1) and (2).

Benefits purchased before date of coverage

- 7** A beneficiary must not be reimbursed for benefits they purchased before the date their coverage under the Program begins.

Premium reductions and waivers

- 8** (1) A beneficiary may apply, in the manner prescribed by the Minister, for a reduced premium or a waiver of the premium.
- (2) If a beneficiary meets the criteria prescribed by the Minister for a reduced premium, the beneficiary's reduced premium must be calculated in accordance with the following formulas:
- (a) for a beneficiary who does not have a spouse

$$P = MPP - ((\$24\,000 - I) \div 14.15\%)$$

in which

P is the premium payable by the beneficiary

MPP is the maximum premium payable under subsection 4(3)

I is the beneficiary's total annual income reported on line 150 of the beneficiary's latest Notice of Assessment from the CRA;

(b) for a beneficiary who has a spouse

$$P = MPP - ((\$28\,000 - I) \div 16.51\%)$$

in which

P is the premium payable by the beneficiary

MPP is the maximum premium payable under subsection 4(3)

I is the beneficiary's total annual family income reported on line 150 of the beneficiary's latest Notice of Assessment from the CRA.

(3) For greater certainty, the premium payable under clause (2)(b) must be paid by each beneficiary, regardless of whether the beneficiary's spouse is also enrolled.

(4) A beneficiary qualifies for a waiver of premiums if the beneficiary meets any of the following criteria:

(a) for a beneficiary who does not have a spouse, the total annual income reported on line 150 of the beneficiary's latest Notice of Assessment from the CRA is \$18 000 or less;

(b) for a beneficiary who has a spouse, the total annual family income reported on line 150 of the beneficiary's latest Notice of Assessment from the CRA is \$21 000 or less;

(c) the beneficiary is in receipt of the guaranteed income supplement under the *Old Age Security Act* (Canada).

N.S. Reg. 225/2011

Family Pharmacare Program Regulations

Schedule "D"

Regulations Respecting the Family Pharmacare Program made pursuant to subsections 6(2), 7(1) and 31(1) of Chapter 7 of the Acts of 2011, the *Fair Drug Pricing Act*

Citation

1 These regulations may be cited as the *Family Pharmacare Program Regulations*.

Definitions

2 In these regulations,

“Act” means the *Fair Drug Pricing Act*;

“adjusted annual family income” means a family unit’s annual income as adjusted in accordance with Section 7;

“adult” means a resident who is 18 years old or older;

“annual family deductible” means the deductible that a family unit must pay for coverage under the Program under Section 8;

“benefit period” means April 1 to March 31 of the following year;

“common law partner” of an individual means another individual who has cohabited with the individual in a conjugal relationship for a period of at least 1 year;

“CRA” means the Canada Revenue Agency;

“family unit” means a resident or group of residents who meet the criteria for 1 of the categories of family units set out in Section 3;

“health card” means identification with a person’s health card number and issued by the Minister;

“health card number” means a unique identification number assigned by the Minister to individuals insured under the *Health Services and Insurance Act*;

“maximum annual family unit copayment” means the maximum amount a family unit must pay annually as copayments under Section 11;

“Program” means the Family Pharmacare Program, a program under the Plan that provides pharmacare coverage to uninsured or underinsured families

“spouse” means, with respect to any individual, an individual who is cohabiting with that individual in a conjugal relationship as married spouse, registered domestic partner or common-law partner.

Categories of family units

3 (1) The following are the categories of family units:

- (a) a single adult;
- (b) an adult and a spouse;
- (c) an adult and all their dependants;
- (d) an adult, a spouse, and all their dependants.

(2) A person must meet all of the following criteria to be considered a dependant under the Act:

- (a) the person is a child or legal ward of an adult;
- (b) the person is younger than 18 years old age as of
 - (i) April 1, or

- (ii) the first day of the month in which enrolment in the Program is applied for;
- (c) the person is supported by an adult;
- (d) the person does not have a spouse.

Program coverage

- 4** (1) Coverage under the Program is available to all residents, other than residents who are excluded under subsection (2).
- (2) A member of a family unit is not eligible for coverage under the Program if any of the following apply to the member:
- (a) they are enrolled in the Seniors' Pharmacare Program under the *Seniors' Pharmacare Program Regulations* made under the Act;
 - (b) they are enrolled in any of the following programs run by the Department of Health and Wellness:
 - (i) the Nova Scotia Diabetes Assistance Program,
 - (ii) the Under 65 Long Term Care Pharmacare Program;
 - (d)* they are receiving drug coverage under the *Employment Support and Income Assistance Act*;
 - (e)* they are receiving drug coverage under the Low Income Pharmacare Program for Children under the Act.

[* clause lettering as in original]

- (3) For greater certainty, a member of a family unit is not disqualified from coverage under the Program because they are receiving benefits under any of the following programs run by the Department of Health and Wellness:
- (a) the Exception Drug Fund;
 - (b) the Drug Assistance for Cancer Patients Program;
 - (c) any special funding provided for specific diseases.
- (4) Coverage under the Program is insurance of last resort and no amount may be paid under these regulations for benefits supplied to any beneficiary if
- (a) coverage in respect of the benefits has been paid under any contract or plan of insurance that applies to the beneficiary; or
 - (b) coverage in respect of the benefits would be payable if claimed under any contract or plan of insurance that applies to the beneficiary.

Enrolment in Program

- 5** (1) A family unit may apply for coverage under the Program at any time.
- (2) To re-enroll in the Program, a family unit must apply for re-enrolment on or before April 1 of each year.

- (3) An individual may only be enrolled in 1 family unit.

Proof of eligibility for Program

- 6 (1) To establish eligibility for the Program, each member of a family unit must provide proof of all of the following:
- (a) a valid health card;
 - (b) except as provided in subsection (2), a valid social insurance number;
 - (c) if the member was a resident within the 2 years immediately before the application for enrolment, the member's latest Notice of Assessment from the CRA;
 - (d) complete family unit information as required by the Minister.
- (2) Proof of a Social Insurance Number is not mandatory for a dependant, and 1 adult Social Insurance Number for a family unit is adequate if a spouse does not possess a Social Insurance Number.
- (3) Each member of a family unit must agree that the Department of Health and Wellness may verify any income information provided under clause (1)(c) through the CRA.

Adjusted annual family income calculation

- 7 (1) For the purpose of calculating a family unit's deductible and copayments payable under the Program, the family unit's annual family income must be adjusted in accordance with subsection (2).
- (2) A family unit's adjusted annual family income is determined by using the gross family income reported on line 150 of the latest Notice of Assessment from the CRA minus \$3000 for 1 spouse and \$3000 for each dependant.

Annual family deductible

- 8 (1) A family unit enrolled in the Program must pay an annual family deductible based on the family unit's adjusted annual family income and calculated in accordance with the following table:

Adjusted Annual Family Income Range	Deductible	
	Maximum Annual Family Deductible as a Percentage of Adjusted Annual Family Income	Amount of Annual Family Deductible
Less than \$10 000	1.0%	\$0 to \$100
\$10 000 to <\$15 000	1.0%	\$100 to \$150
\$15 000 to <\$17 000	1.5%	\$225 to \$255
\$17 000 to <\$20 000	2.0%	\$340 to \$400
\$20 000 to <\$25 000	2.5%	\$500 to \$625
\$25 000 to <\$30 000	3.0%	\$750 to \$900
\$30 000 to <\$35 000	3.5%	\$1050 to \$1225
\$35 000 to <\$40 000	4.0%	\$1400 to \$1600
\$40 000 to <\$45 000	4.5%	\$1800 to \$2025
\$45 000 to <\$50 000	5.0%	\$2250 to \$2500

\$50 000 to <\$52 000	5.5%	\$2750 to \$2860
\$52 000 to <\$54 000	6.0%	\$3120 to \$3240
\$54 000 to <\$55 000	6.5%	\$3510 to \$3575
\$55 000 to <\$57 000	7.0%	\$3850 to \$3990
\$57 000 to <\$58 000	7.5%	\$4275 to \$4350
\$58 000 to <\$60 000	8.0%	\$4640 to \$4800
\$60 000 to <\$61 000	8.5%	\$5100 to \$5185
\$61 000 to <\$63 000	9.0%	\$5490 to \$5670
\$63 000 to <\$65 000	9.5%	\$5985 to \$6175
\$65 000 to <\$67 000	10.0%	\$6500 to \$6700
\$67 000 to <\$68 000	10.5%	\$7035 to \$7140
\$68 000 to <\$70 000	11.0%	\$7480 to \$7700
\$70 000 to <\$71 000	11.5%	\$8050 to \$8165
\$71 000 to <\$73 000	12.0%	\$8520 to \$8760
\$73 000 to <\$75 000	12.5%	\$9125 to \$9375
\$75 000 to <\$77 000	13.0%	\$9750 to \$10 010
\$77 000 to <\$78 000	13.5%	\$10 395 to \$10 530
\$78 000 to <\$80 000	14.0%	\$10 920 to \$11 200
\$80 000 to <\$81 000	14.5%	\$11 600 to \$11 745
\$81 000 to <\$83 000	15.0%	\$12 150 to \$12 450
\$83 000 to <\$85 000	15.5%	\$12 865 to \$13 175
\$85 000 to <\$87 000	16.0%	\$13 600 to \$13 920
\$87 000 to <\$88 000	16.5%	\$14 355 to \$14 520
\$88 000 to <\$90 000	17.0%	\$14 960 to \$15 300
\$90 000 to <\$91 000	17.5%	\$15 750 to \$15 925
\$91 000 to <\$93 000	18.0%	\$16 380 to \$16 740
\$93 000 to <\$95 000	18.5%	\$17 205 to \$17 575
\$95 000 to <\$97 000	19.0%	\$18 050 to \$18 430
\$97 000 to <\$98 000	19.5%	\$18 915 to \$19 110
\$98 000 and over	20.0%	\$19 600 and over

- (2) A family unit enrolled in the Program must pay any remaining cost after the copayment calculated under Section 9 is paid until their annual family deductible is paid in full.
- (3) Payments made under subsection (2) must be
- (a) applied towards payment of the annual family deductible until the annual family deductible is paid in full; and
 - (b) paid directly by the beneficiary to the participating pharmacy at the time of purchase.

Family unit copayment

- 9 (1) Each beneficiary must pay 20% of the cost of a benefit directly to the provider at the time of purchase.

- (2) The maximum annual family unit copayment is based on the family unit's adjusted annual family income and calculated in accordance with the following table:

Adjusted Annual Family Income Range	Maximum Annual Family Unit Copayment as a Percentage of Adjusted Annual Family Income	Maximum Annual Family Unit Copayment
Less than \$10 000	4.0%	0 to \$400
\$10 000 to <\$20 000	5.0%	\$500 to \$1000
\$20 000 to <\$30 000	6.0%	\$1200 to \$1800
\$30 000 to <\$40 000	8.0%	\$2400 to \$3200
\$40 000 to <\$50 000	9.5%	\$3800 to \$4750
\$50 000 to <\$60 000	11.0%	\$5500 to \$6600
\$60 000 to <\$70 000	12.0%	\$7200 to \$8400
\$70 000 to <\$80 000	13.0%	\$9100 to \$10 400
\$80 000 to <\$90 000	14.0%	\$11 200 to \$12 600
\$90 000 and over	15.0%	\$13 500 and over

Adjustments during benefit period

- 10 (1) The annual family deductible and maximum annual family unit copayment must not be recalculated or refunded during a benefit period because of changes in family unit size or income.
- (2) The annual family deductible and maximum annual family unit copayment must not be pro-rated for a family unit that enrolls in the Program part way through the benefit period.
- (3) If a family unit leaves the Program and re-enrolls in the Program during a single benefit period, any amounts they paid towards their annual family deductible or their maximum annual family unit copayment must be counted towards their annual family deductible and maximum annual family unit copayment respectively when they re-enroll.

Purchases made before date of coverage

- 11 A beneficiary must not be reimbursed for benefits they purchased before the date their coverage under the Program begins.

N.S. Reg. 226/2011

Provider Appeals Regulations

Schedule "E"

Regulations Respecting Provider Appeals made pursuant to subsections 17(2) and 31(3) of Chapter 7 of the Acts of 2011, the *Fair Drug Pricing Act*

Citation

- 1 These regulations may be cited as the *Provider Appeals Regulations*.

Definitions

- 2 In these regulations,

“Act” means the *Fair Drug Pricing Act*;

“Pharmaceutical Services” means the Pharmaceutical Services Branch of the Department of Health and Wellness;

“Executive Director” means the Executive Director of Pharmaceutical Services;

“appeal panel” means the pharmacare appeals panel;

“hearing” means a hearing before an appeal panel;

“overpayment” means an overpayment made by the Administrator to a provider;

“provider manual” means any billing instructions, including the pharmacare prescription audit recovery procedures, made available to providers by the Administrator in the Pharmacists’ Guide and Pharmacists’ Bulletins;

“secretariat” means the secretariat to the appeal panel;

“tariff agreement” means the current agreement on tariffs made under subsection 14(2) of the Act.

Patient and prescription records

- 3** (1) A provider must keep patient records or prescription records for all claims in accordance with the Act and its regulations, the provider manual and the tariff agreement.
- (2) If requested by the Administrator, a provider making a claim must give the Administrator any particulars of the claim and documentation to support the claim in accordance with the Act and its regulations, the provider manual and the tariff agreement.

Administrator’s determination of amounts payable

- 4** In addition to being in accordance with the Act and regulations, as required by Section 23 of the Act, the Administrator’s determination of amounts payable for claims under Section 23 of the Act must also be in accordance with the provider manual and the tariff agreement.

Administrator’s investigative determinations

- 5** (1) The Administrator may make 1 or more of the investigative determinations set out in subsection (2) if the Administrator has reasonable grounds to believe that any of the following have occurred:
- (a) all or part of a benefit was not billed according to the billing instructions made available to the provider by the Administrator;
 - (b) all or part of a benefit is not verifiable from the associated patient records or prescription records;
 - (c) a patient record or prescription record has not been kept as required for the insured services;
 - (d) the nature of a benefit is misrepresented;
 - (e) all or part of a benefit was not provided to a beneficiary;
 - (f) the Administrator has paid a claim or claims for a drug, device or service that is not a benefit.

- (2) The following are the types of investigative determinations that the Administrator may make under subsection (1):
- (a) refuse or reduce payment of a claim;
 - (b) order the provider to reimburse to the Plan any overpayment;
 - (c) recover any overpayment by deducting the amount of the overpayment from any other amounts payable by the Administrator to the provider;
 - (d) commence and maintain a civil proceeding in the Supreme Court of Nova Scotia for recovery of any overpayment;
 - (e) enter into an agreement with the provider in settlement of the matter upon any terms as may be agreed to;
 - (f) recommend to the Minister that the provider's designation under the Plan be suspended, modified, restricted or terminated.

Pool of nominees for appeal panel

6 Every 3 years, the Pharmacy Association of Nova Scotia must create an appeal panel pool from the Association's membership made up of 15 nominees that hold an active practice licence with the Nova Scotia College of Pharmacists.

Selecting appeal panel

- 7** (1) On receiving a notice of appeal, the Executive Director must select an appeal panel composed of 5 members chosen from the pool established in Section 6 to hear the appeal.
- (2) Each appeal panel member must provide the Executive Director with all of the following, in the forms determined by the Minister:
- (a) a signed form declaring that they have no conflict of interest in hearing the appeal;
 - (b) a signed confidentiality agreement.
- (3) When appointing pool members to an appeal panel, the Executive Director may rotate the choice of appeal panel members from among the pool.
- (4) A person who is party to an investigation must not be an appeal panel member for any appeal regarding the investigation.
- (5) An appeal panel must designate 1 of its members as the panel's chairperson and another member as the panel's vice-chairperson.
- (6) The chairperson or, in the absence of the chairperson, the vice-chairperson of the appeal panel must preside at each meeting of the panel.

Expense claim reimbursement for appeal panel members

8 Appeal panel members must be reimbursed for any expenses incurred as part of the appeals process, in accordance with the policy for public servants of the Province.

Appeal panel rules

- 9** (1) An appeal panel member must not communicate outside the hearing about the subject matter of the hearing with a party or the party's representative, unless the opposing party has been given notice of the subject matter of the communication and has an opportunity to be present during the communication.
- (2) A member of an appeal panel who ceases to be a member of the appeal panel after the hearing begins must not be replaced, and if there are not enough members to continue the hearing, the hearing must be discontinued and an appeal panel made up of different members must be selected to hear the appeal *de novo*.
- (3) Only those members of an appeal panel who were present throughout a hearing may participate in making the appeal panel's recommendation.

Scope of appeals

- 10** The scope of an appeal is limited to hearing evidence supporting a provider's appeal that the Administrator's investigation or investigative determination does not reflect the information provided in the provider manual or tariff agreement.

Powers of appeal panel

- 11** (1) The functions of an appeal panel are to hear appeals by providers from investigative determinations under Section 5 and to perform any other duties that may be necessary or incidental to hearing the appeals.
- (2) Subject to subsections (3) and (4), an appeal panel may make decisions on any matter referred to it, including any of the following:
- (a) confirming any action taken by the Administrator under Section 5 and dismissing the appeal;
 - (b) varying or rescinding any action taken by the Administrator under Section 5;
 - (c) directing that the Administrator take any action under Section 5.
- (3) An appeal panel has no power or jurisdiction to amend, vary, change or add to the provider manual or the tariff agreement.
- (4) A decision of the appeal panel must be in accordance with the Act, the regulations, the provider manual and the tariff agreement.
- (5) The appeal panel may make any orders it considers necessary to avoid prejudice to any party or parties that might be caused by errors, omissions or amendments.

Initiating appeal of investigative determination

- 12** (1) A provider may appeal an investigative determination made under Section 5 by referring the determination to an appeal panel using the notice of appeal form determined by the Minister.
- (2) A provider must serve the notice of appeal on the Executive Director no later than 30 days after the date that the provider received the investigative determination.
- (3) An appeal to the appeal panel does not operate as a stay of any action taken or order made by the Administrator under the Act or these regulations.

Setting hearing

- 13** (1) The Executive Director must set the time, date and place for a hearing, at a date that is no later than 90 days after the notice of appeal is received.
- (2) The Executive Director must assign staff of Pharmaceutical Services as the secretariat.
- (3) The secretariat must give a provider at least 30 days' notice of the date, time and place of their hearing, unless the notice is waived by the provider.

Closed hearings

- 14** A hearing is not open to the public.

Hearing procedures

- 15** (1) At the beginning of a hearing, the chairperson must be satisfied that the provider was given notice of the date, time and place of hearing in accordance with subsection 13(3).
- (2) An appeal panel may consider all of information that was previously considered by the Administrator in making the investigative determination, and may consider any additional information, evidence or submissions that are placed before it for the appeal.
- (3) The appellant and the Administrator may present evidence at a hearing through either written or oral submissions, or both, and both the provider and the Administrator may be represented by legal counsel.
- (4) Oral evidence presented to an appeal panel at a hearing must be recorded in the minutes of the hearing.
- (5) At the request of a party to a hearing, an appeal panel must give the party copies of the minutes of the hearing.
- (6) An appeal panel may adjourn a hearing from time to time and place to place, as it considers necessary.
- (7) After a hearing has been finally determined, an appeal panel must release documents and other evidence presented at the hearing to the person who produced them at the hearing, when requested, within a reasonable time.

Examination of evidence

- 16** (1) All parties must give the secretariat and any opposing parties an opportunity to examine all of the following, at least 7 days before the date of the hearing:
- (a) any written or documentary evidence that will be produced at the hearing or any report the contents of which will be given in evidence at the hearing;
- (b) the identity of any expert who will give evidence, and the expert's written report or a written summary of the expert's evidence if there is no written report;
- (c) the identity of any witnesses who will give evidence.
- (2) If a party fails to comply with subsection (1), the other party may request an adjournment from the appeal panel.

- (3) An appeal panel may grant or deny a request for adjournment under subsection (2), and may take any further action or make any order it considers reasonable and necessary to fulfill the purpose of subsection (1).

Provider fails to appear at hearing

- 17 If a provider fails to appear at the time and place appointed for a hearing, the appeal panel may take any action or exercise any of its powers under Section 11.

Settlement agreement

- 18 All parties to a hearing may agree on the terms of a settlement before the hearing and, if a settlement agreement is reached, the appeal panel must dismiss the appeal.

Appeal panel's decision

- 19 (1) A decision of a majority of the members of an appeal panel eligible to participate under subsection 9(3) is a decision of the appeal panel.
- (2) An appeal panel must provide a copy of its written decision to all of the following:
- (a) the Administrator;
 - (b) the provider, by registered mail to the address given by the provider.
- (3) A copy of a written decision of an appeal panel is deemed to be received by a provider on the 5th day after it was mailed under clause (2)(b).

N.S. Reg. 227/2011

Made: March 3, 2011

Approved: June 22, 2011

Filed: July 5, 2011

Dairy Farmers of Nova Scotia By-laws

Order dated June 22, 2011

made by the Dairy Farmers of Nova Scotia and approved by the Natural Products Marketing Council pursuant to clause 15(1)(h) of the *Dairy Industry Act*

Dairy Farmers of Nova Scotia (DFNS)

I certify that the Dairy Farmers of Nova Scotia, pursuant to clause 15(1)(h) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, and pursuant to Section 2 of the Dairy Farmers of Nova Scotia By-laws, at a meeting held on March 3, 2011, voted to amend the Dairy Farmers of Nova Scotia By-laws, N.S. Reg. 366/2007, in the manner set forth in Schedule "A" attached to this certificate, effective on and after August 1, 2011.

Signed at Truro, Colchester County, Nova Scotia, on June 23, 2011.

Dairy Farmers of Nova Scotia

per: sgd.: *Brian Cameron*
Brian Cameron
General Manager

Approved by the Natural Products Marketing Council at Truro, Nova Scotia on June 22, 2011.

Natural Products Marketing Council

per: sgd.: *E. A. Crouse*
Elizabeth A. Crouse, PAg
General Manager
Natural Products Marketing Council

Schedule "A"

Amendment to the Dairy Farmers of Nova Scotia By-laws made by the Dairy Farmers of Nova Scotia under clause 15(1)(h) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*

1 Subsection 2(2) of the by-laws is amended by adding "at least 30 days' advance" after "Before amending these by-laws, the board of directors must give the members".

2 Section 7 of the by-laws and its heading are repealed and the following heading and Section substituted:

Code of conduct for directors

7 (1) The board of directors must establish a code of conduct that applies to, and is binding on, all directors.

(2) In order to be nominated for election to the board of directors, a person must agree to comply with the code of conduct and must sign a copy of the code of conduct to indicate his or her agreement.

3 Section 8 of the by-laws and its heading are repealed and the following heading and Section substituted:

Terms of office for directors

8 (1) A newly elected director of DFNS takes office on the adjournment of the first annual general meeting of members following his or her election as a director and holds office until his or her successor takes office.

(2) The term of office of each elected director is 3 years.

4 Sections 9 and 10 of the by-laws are repealed.

5 Section 12 of the by-laws is repealed and the following Section substituted:

Director may be removed

12 At any time, an elected director may be removed from the board of directors by a two thirds (2/3) majority vote of the remaining directors, in a vote held by secret ballot, if

(a) the director has missed 3 consecutive meetings of the board of directors;

(b) in the case of a director assigned to a region, several members from the region have expressed concern to the board of directors about the director's representation of the members from the region; or

(c) the director violates the code of conduct.

- 6 Subsection 19(2) of the by-laws is amended by re-lettering clauses (d) and (e) as clauses (e) and (f), respectively, and adding the following clause immediately after clause (c):
- (d) the nominee provides a copy of the code of conduct signed by the nominee to indicate his or her agreement to comply with it;
- 7 The by-laws are further amended by re-numbering the second subsection (3) in Section 24 as subsection (4).
- 8 Section 32 of the by-laws is repealed and the following Section substituted:
- 32** (1) This Section does not apply to votes regarding the removal of an elected director under Section 12.
- (2) Each matter arising at a meeting of the board of directors must be decided by a majority vote of the directors present.
- (3) The chair of a meeting of the board of directors has no vote unless there is a tie vote, in which case the chair shall cast the deciding vote.

N.S. Reg. 228/2011

Made: June 30, 2011

Filed: July 5, 2011

Prescribed Petroleum Products Prices

Order dated June 30, 2011
 made by the Nova Scotia Utility and Review Board
 pursuant to Section 14 of the *Petroleum Products Pricing Act*
 and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**NSUARB-GAS-W-11-28****In the Matter of the *Petroleum Products Pricing Act*****- and -****In the Matter of Prescribing Prices for Petroleum Products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Murray E. Doehler, CA, P. Eng., Member**Order**

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended June 29, 2011, are:

Grade 1 Regular gasoline	70.7¢ per litre
Ultra-low-sulfur diesel oil	75.1¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	70.7¢ per litre
Grade 2	73.7¢ per litre
Grade 3	76.7¢ per litre
Ultra-low-sulfur diesel oil	75.1¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	nil
Ultra-low-sulfur diesel oil:	minus 0.7¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., July 1, 2011.

Dated at Halifax, Nova Scotia, this 30th day of June, 2011.

Sgd: *Elaine Wagner*
Clerk of the Board

Schedule “A”

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on July 1, 2011**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	77.0	10.0	15.5	102.5	122.5	124.2	122.5	999.9
Mid-Grade Unleaded	80.0	10.0	15.5	105.5	125.9	127.7	125.9	999.9
Premium Unleaded	83.0	10.0	15.5	108.5	129.4	131.1	129.4	999.9
Ultra-Low-Sulfur Diesel	80.7	4.0	15.4	100.1	119.7	121.4	119.7	999.9
Zone 2								
Regular Unleaded	77.4	10.0	15.5	102.9	122.9	124.7	122.9	999.9
Mid-Grade Unleaded	80.4	10.0	15.5	105.9	126.4	128.1	126.4	999.9
Premium Unleaded	83.4	10.0	15.5	108.9	129.8	131.6	129.8	999.9
Ultra-Low-Sulfur Diesel	81.1	4.0	15.4	100.5	120.2	121.9	120.2	999.9

Zone 3								
Regular Unleaded	77.9	10.0	15.5	103.4	123.5	125.2	123.5	999.9
Mid-Grade Unleaded	80.9	10.0	15.5	106.4	127.0	128.7	127.0	999.9
Premium Unleaded	83.9	10.0	15.5	109.4	130.4	132.1	130.4	999.9
Ultra-Low-Sulfur Diesel	81.6	4.0	15.4	101.0	120.8	122.5	120.8	999.9
Zone 4								
Regular Unleaded	77.9	10.0	15.5	103.4	123.5	125.2	123.5	999.9
Mid-Grade Unleaded	80.9	10.0	15.5	106.4	127.0	128.7	127.0	999.9
Premium Unleaded	83.9	10.0	15.5	109.4	130.4	132.1	130.4	999.9
Ultra-Low-Sulfur Diesel	81.6	4.0	15.4	101.0	120.8	122.5	120.8	999.9
Zone 5								
Regular Unleaded	77.9	10.0	15.5	103.4	123.5	125.2	123.5	999.9
Mid-Grade Unleaded	80.9	10.0	15.5	106.4	127.0	128.7	127.0	999.9
Premium Unleaded	83.9	10.0	15.5	109.4	130.4	132.1	130.4	999.9
Ultra-Low-Sulfur Diesel	81.6	4.0	15.4	101.0	120.8	122.5	120.8	999.9
Zone 6								
Regular Unleaded	78.7	10.0	15.5	104.2	124.4	126.2	124.4	999.9
Mid-Grade Unleaded	81.7	10.0	15.5	107.2	127.9	129.6	127.9	999.9
Premium Unleaded	84.7	10.0	15.5	110.2	131.3	133.1	131.3	999.9
Ultra-Low-Sulfur Diesel	82.4	4.0	15.4	101.8	121.7	123.4	121.7	999.9