



## Part II

## Regulations under the Regulations Act

## Contents

Act	Reg. No.	Page
<b>Dairy Industry Act</b>		
Milk Producer Licensing Regulations—amendment . . . . .	96/2023	288
<b>House of Assembly Management Commission Act</b>		
House of Assembly Management Commission Regulations—amendment . . . . .	91/2023	282
—amendment. . . . .	92/2023	282
<b>Petroleum Products Pricing Act</b>		
Petroleum Products Pricing Regulations—amendment . . . . .	95/2023	284
Prescribed Petroleum Products Prices (dispensed from publication). . . . .	93/2023	283
Prescribed Petroleum Products Prices (dispensed from publication). . . . .	97/2023	291
<b>Pharmacy Act</b>		
Pharmacy Practice Regulations—amendment . . . . .	98/2023	291
<b>Summary Proceedings Act</b>		
Summary Offence Tickets Regulations—amendment . . . . .	94/2023	283

**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. 91/2023 and 92/2023**

Made: May 24, 2023

Filed: May 24, 2023

House of Assembly Management Commission Regulations—amendments

Order dated May 24, 2023

Amendment to regulations made by the House of Assembly Management Commission pursuant to subsection 27(1) of the *House of Assembly Management Commission Act***House of Assembly Management Commission****Amendment to the House of Assembly Management Commission Regulations**

I certify that the House of Assembly Management Commission, pursuant to subsection 27(1) of Chapter 5 of the Acts of 2010, the *House of Assembly Management Commission Act*, at a meeting held on May 24, 2023, amended the *House of Assembly Management Commission Regulations*, N.S. Reg. 43/2013, in the manner set forth in the attached Schedules “A” and “B”, effective on filing.

Signed at Halifax, in Halifax Regional Municipality, Nova Scotia on May 24, 2023.

per: sgd. *James Charlton*  
James Charlton  
Chief Clerk, House of Assembly

**N.S. Reg. 91/2023**

House of Assembly Management Commission Regulations—amendment

**Schedule “A”****Amendment to the *House of Assembly Management Commission Regulations*  
made by the House of Assembly Management Commission  
pursuant to subsection 27(1) of Chapter 5 of the Acts of 2010,  
the *House of Assembly Management Commission Act***

† Clause 21(1)(ja) of the regulations is amended by striking out “ten per cent of the monthly amount allowed under subsection 43(3)” and substituting “\$1,000.00”.

**N.S. Reg. 92/2023**

House of Assembly Management Commission Regulations—amendment

**Schedule “B”****Amendment to the *House of Assembly Management Commission Regulations*  
made by the House of Assembly Management Commission  
pursuant to subsection 27(1) of Chapter 5 of the Acts of 2010,  
the *House of Assembly Management Commission Act***

† Subsection 21(1) of the regulations is amended by adding immediately after clause (a) the following clause:

- (aa) safety boots, a hard hat, a reflective vest, eye protection and any other personal protective equipment that is reasonably necessary or advisable for the personal use of the member on visiting construction or work sites;

**N.S. Reg. 93/2023**

Made: May 25, 2023

Filed: May 26, 2023

Prescribed Petroleum Products Prices

Order dated May 25, 2023  
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*

[Please note: *Prescribed Petroleum Products Prices* filed with the Office of the Registrar of Regulations on and after January 23, 2023, will no longer be published in the *Royal Gazette Part II*. Publication of the *Prescribed Petroleum Products Prices* has been dispensed with by order of the Attorney General dated January 23, 2023, and published on page 63 of the February 10, 2023, issue of the *Royal Gazette Part II*. Current and historical *Prescribed Petroleum Products Prices* are available for inspection in person at the Office of the Registrar of Regulations and can be viewed on the Nova Scotia Utility and Review Board's website at the following address: <https://nsuarb.novascotia.ca/mandates/gasoline-diesel-pricing>.]

**N.S. Reg. 94/2023**

Made: May 31, 2023

Filed: May 31, 2023

Summary Offence Tickets Regulations—amendment

Order dated May 31, 2023  
Amendment to regulations made by the Attorney General and Minister of Justice  
pursuant to Section 8 of the *Summary Proceedings Act*

**Order**

**Made under Section 8 of Chapter 450  
of the Revised Statutes of Nova Scotia, 1989,  
the *Summary Proceedings Act***

I, Brad Johns, Attorney General and Minister of Justice for the Province of Nova Scotia, pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, effective on and after the date of this order, hereby

- (a) amend Schedule 12 to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, respecting the designation of certain offences under the *Forests Act* as summary offence ticket offences, in the manner set forth in the attached Schedule "A"; and
- (b) order and direct that the penalty to be entered on a summons in respect of an offence set out in amendments to the schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, as set forth in the attached Schedule "A", is the out-of-court settlement amount listed in the out-of-court settlement column set out opposite the description for the offence, and includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

Dated and made May 31, 2023, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

sgd. *Bradley H. Johns*  
Honourable Brad Johns  
Attorney General and Minister of Justice

### Schedule “A”

**Amendment to the *Summary Offence Tickets Regulations*  
made by the Attorney General and Minister of Justice pursuant to Section 8  
of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,  
the *Summary Proceedings Act***

Schedule 12 to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, is amended by striking out “\$237.50” in the out-of-court settlement column in item 8 and substituting “\$28 872.50”.

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#### **N.S. Reg. 95/2023**

Made: June 1, 2023

Filed: June 1, 2023

Petroleum Products Pricing Regulations—amendment

Order in Council 2023-149 dated June 1, 2023

Amendment to regulations made by the Governor in Council  
pursuant to Section 14 of the *Petroleum Products Pricing Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Internal Services dated May 9, 2023, and pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, is pleased to amend the *Petroleum Products Pricing Regulations*, N.S. Reg. 286/2009, made by the Governor in Council by Order in Council 2009-399 dated September 24, 2009, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after June 2, 2023.

### Schedule “A”

**Amendment to the *Petroleum Products Pricing Regulations*  
made by the Governor in Council under Section 14  
of Chapter 11 of the Acts of 2005,  
the *Petroleum Products Pricing Act***

1 Section 3 of the *Petroleum Products Pricing Regulations*, N.S. Reg. 286/2009, made by the Governor in Council by Order in Council 2009-399 dated September 24, 2009, is amended by

(a) adding the following definitions where they belong in alphabetical order:

“CBOB” means conventional blendstock for oxygenate blending;

“clean fuel adjustor” means the result of a monetary adjustment intended to mitigate for wholesalers and retailers the effect of costs incurred during a given compliance period by a primary supplier of liquid petroleum products to comply with the *Clean Fuel Regulations* (Canada) or any other

regulatory instrument made under the *Canadian Environmental Protection Act, 1999* (Canada) and the *Environmental Violations Administrative Monetary Penalties Act* (Canada);

“spot market” means a market

- (i) in which the petroleum product is paid for and immediately delivered at the point of sale, and
- (ii) for which pricing information is available through a reporting source;

“spot market price” does not include rack prices;

- (b) in the definition of “benchmark price”, striking out “17” and substituting “16”;
  - (c) in the definition of “gasoline”, striking out “CAN/CGSB-3.5-2004, *Unleaded Automotive Gasoline*, as amended” and substituting “CAN/CGSB-3.5-2021, *Automotive gasoline*, as amended, and the Canadian General Standards Board standard CAN/CGSB-3.511-2021, *Oxygenated automotive gasoline containing ethanol*, as amended”; and
  - (d) in the definition of “reported product price”, striking out “15B” and substituting “15C”.
- 2 (1) The heading immediately before Section 15B of the regulations is amended by striking out “Reported product price” and substituting “Reporting source”.
- (2) Subsection 15B(1) of the regulations is amended by
- (a) striking out “reported product price for a type of petroleum product is the daily New York Harbour price reported for that type of product in” and substituting “reporting source to be used by the Board in determining the reported product price under Section 15C is”;
  - (b) striking out “the Platts Report” and substituting “Argus Media” in clause (a);
  - (c) repealing clause (b) and substituting the following clause:
    - (b) the Platts Report, if the relevant data is not available from Argus Media;
  - (d) repealing clause (c) and substituting the following clause:
    - (c) the Oil Price Information Service, if the relevant data is not available from Argus Media or the Platts Report;
  - (e) repealing clause (d) and substituting the following clause:
    - (d) the Bloomberg Guide, if the relevant data is not available from Argus Media, the Platts Report or the Oil Price Information Service.
- (3) Subsection 15B(2) of the regulations is amended by striking out “New York Harbour” and substituting “spot market”.

- 3 The regulations are further amended by adding the following Section immediately after Section 15B:

**Reported product price and spot market**

**15C (1)** For gasoline, the reported product price is the volume-weighted average of the daily spot

market prices reported in the reporting source prescribed by Section 15B of the components of gasoline set out in subsection (2).

- (2) Unless otherwise determined by the Board, the components of gasoline are CBOB and ethanol, and the proportions by volume of the components are deemed to be 90% CBOB and 10% ethanol.
- (3) The spot market to be used by the Board for the daily spot market price of each component of gasoline is as follows, unless the Board has prescribed a different spot market for any of the components in accordance with subsections (6) to (8):
  - (a) for CBOB, New York ~~Harbour~~ [Harbor];
  - (b) for ethanol, Chicago.
- (4) For ultra-low-sulfur diesel, the reported product price is the daily spot market price reported in the reporting source prescribed by Section 15B for ultra-low-sulfur diesel.
- (5) The spot market to be used by the Board for the daily spot market price of ultra-low-sulfur diesel is New York ~~Harbour~~ [Harbor], unless the Board has prescribed a different spot market in accordance with subsections (6) to (8).
- (6) If the market conditions change in such a way that there is a significant difference between the spot market price and the price charged to wholesalers and wholesaler-retailers, the Board may on its own motion investigate whether a different spot market for a component of gasoline, or for ultra-low-sulfur diesel, is just and reasonable.
- (7) On application by any of the following, the Board must carry out an investigation under subsection (6):
  - (a) a retailer, wholesaler or wholesaler-retailer;
  - (b) any 5 persons, firms or corporations;
  - (c) the Minister.
- (8) Following an investigation, the Board may make an order prescribing a different spot market to be used for a component of gasoline or for ultra-low-sulfur diesel, but no order may be made by the Board until a public hearing or inquiry is held.

4 Section 16 of the regulations is amended by repealing subsection (2) and substituting the following subsections:

- (2) For Grade 1—Regular gasoline, the benchmark price prescribed by the Board is the average of the average of the daily high and low reported product prices during the period since the last benchmark price adjustment for Grade 1—Regular gasoline.
- (2A) For Grade 2—Mid-grade gasoline, the Board may prescribe a benchmark price using criteria determined by the Board.
- (2B) For Grade 3—Premium gasoline, the Board may prescribe a benchmark price using criteria determined by the Board.

- (2C) For ultra-low-sulfur diesel, the benchmark price prescribed by the Board is the average of the average of the daily high and low reported product prices during the period since the last benchmark price adjustment for ultra-low-sulfur diesel.
- (2D) In prescribing a benchmark price for any type of petroleum product, the Board may make an adjustment to account for any transportation differential between the New York Harbour [Harbor] spot market and another spot market.

- 5 (1) Subsection 17(1) of the regulations is amended by
- (a) striking out the period at the end of paragraph (e)(ii)(B) and substituting a semicolon; and
  - (b) adding the following clauses immediately after clause (e):
    - (f) on and after the date that the Board sets a clean fuel adjustor amount under Section 17A, the current clean fuel adjustor amount;
    - (g) fuel charges, if any, payable to His Majesty in right of Canada.
- (2) Subsection 17(4) of the regulations is amended by
- (a) striking out “and” and substituting “or” in clause (f); and
  - (b) striking out “and” and substituting “or” in clause (i).
- 6 The regulations are further amended by adding the following Section immediately after Section 17:

**Clean fuel adjustor**

- 17A (1)** At any time, the Board may on its own motion investigate a methodology for setting a clean fuel adjustor amount to ensure that it is just and reasonable in light of the application of the *Clean Fuel Regulations* (Canada) or any other regulatory instrument made under the *Canadian Environmental Protection Act, 1999* (Canada) and the *Environmental Violations Administrative Monetary Penalties Act* (Canada).
- (2) On application by any of the following, the Board must carry out an investigation under subsection (1):
- (a) a retailer, wholesaler or wholesaler-retailer;
  - (b) any 5 persons, firms or corporations;
  - (c) the Minister.
- (3) In investigating the methodology for setting a clean fuel adjustor amount, the Board may consider any information the Board considers relevant, including any of the following:
- (a) written submissions from primary suppliers, wholesalers, retailers and the consumer advocate regarding the financial and administrative burdens associated with the application of the *Clean Fuel Regulations* (Canada) or any other regulatory instrument made under the *Canadian Environmental Protection Act, 1999* (Canada) and the *Environmental Violations Administrative Monetary Penalties Act* (Canada);
  - (b) conclusions drawn from reports from compliance credit markets under the *Clean Fuel*

*Regulations (Canada);*

- (c) the cost of renewable fuel;
  - (d) wholesaler and retailer acquisition costs;
  - (e) any other information the Board considers relevant to the application of the *Clean Fuel Regulations (Canada)* or any other regulatory instrument made under the *Canadian Environmental Protection Act, 1999 (Canada)* and the *Environmental Violations Administrative Monetary Penalties Act (Canada)*.
- (4) Following an investigation, the Board may make an order establishing the methodology for setting a clean fuel adjustor amount, but no order may be made by the Board until a public hearing or inquiry is held.
- (5) The Board may set a clean fuel adjustor amount at any time the Board considers appropriate, using
- (a) the methodology established in an order made under subsection (4); and
  - (b) the criteria and procedure determined by the Board.
- (6) The clean fuel adjustor amount must be expressed in Canadian cents per litre to the nearest one-hundredth of a cent or in another unit of measurement appropriate to the petroleum product.
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### **N.S. Reg. 96/2023**

Made: May 18, 2023

Approved: May 25, 2023

Filed: June 2, 2023

Milk Producer Licensing Regulations—amendment

Order dated May 30, 2023

Amendment to regulations made by the Dairy Farmers of Nova Scotia  
and approved by the Natural Products Marketing Council  
pursuant to clauses 9(f) to (i) and 15(1)(a) of the *Dairy Industry Act*

### **Dairy Farmers of Nova Scotia**

#### **Amendment to the *Milk Producer Licensing Regulations* made under the *Dairy Industry Act***

I certify that on May 18, 2023, the Dairy Farmers of Nova Scotia, pursuant to clauses 9(f) to (i) and clause 15(1)(a) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, as delegated by clause 2(1)(l) to (o) of the *Delegation of Powers to Dairy Farmers of Nova Scotia Regulations*, N.S. Reg. 136/2001, carried a motion to amend the *Milk Producer Licensing Regulations*, N.S. Reg. 125/2017, made by the Dairy Farmers of Nova Scotia on October 14, 2016, and approved by the Natural Products Marketing Council on August 21, 2017, in the manner set forth in the attached Schedule “A”.

Signed at Truro, in the County of Colchester, Nova Scotia on May 30, 2023.



**Dairy Farmers of Nova Scotia**

per: sgd. *Kimberly Harrison*  
Kimberly Harrison  
Manager

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**Approved**, effective on and after July 1, 2023, by the Natural Products Marketing Council at Bible Hill, in the County of Colchester, Nova Scotia, on May 25, 2023.

**Natural Products Marketing Council**

per: sgd. *Danielle Dorn Kouwenberg*  
Danielle Dorn Kouwenberg  
Manager

**Schedule “A”**

**Amendment to the *Milk Producer Licensing Regulations*  
made by the Dairy Farmers of Nova Scotia  
pursuant to clauses 9(f) to (i) and 15(1)(a) of Chapter 24 of the Acts of 2000,  
the *Dairy Industry Act***

- 1 Subsection 13(1) of the *Milk Producer Licensing Regulations*, N.S. Reg. 125/2017, made by the Dairy Farmers of Nova Scotia on October 14, 2016, and approved by the Natural Products Marketing Council on August 21, 2017, is repealed and the following Section [subsection] substituted:

**Penalty for violating bacteria, somatic cells or freezing point standard**

**13 (1)** Despite the minimum testing frequency standards in Schedule B of [to] the *Raw Milk Production and Transportation Regulations*, a producer is subject to a penalty as set out in subsection (2) as follows:

- (a) for a bacteria penalty,
  - (i) a bacteria test result higher than the bacteria standard in Section 101 of the *Raw Milk Production and Transportation Regulations* has been found in the current month and in at least 40% of the tests of the producer’s milk within a 3-month period that includes the current month, and
  - (ii) where at least 3 bacteria test results are available within the continuous 3-month period, at least two of which must be for the current month, and where only 3 test results are available, all 3 bacteria test results must be higher than the bacteria standard in Section 101 of the *Raw Milk Production and Transportation Regulations* in order to result in a penalty;
- (b) for a somatic cells penalty,
  - (i) a somatic cells test result higher than the somatic cells standard in Section 101 of the *Raw Milk Production and Transportation Regulations* has been found in the current month and in at least 40% of the tests of the producer’s milk within a 3-month period that includes the current month, and

- (ii) where at least 17 somatic cells test results are available within the continuous 3-month period, at least four of which must be for the current month;
  - (c) for a freezing point penalty,
    - (i) a freezing point test result higher than the freezing point standard in Section 101 of the *Raw Milk Production and Transportation Regulations* has been found in the current month and in at least 40% of the tests of the producer's milk within a 3-month period that includes the current month, and
    - (ii) where at least 3 freezing point test results are available within the continuous 3-month period, at least two of which must be for the current month, and where only 3 test results are available, all 3 freezing point test results must be higher than the freezing point standard in Section 101 of the *Raw Milk Production and Transportation Regulations*.
- 2 The regulations are amended by repealing subsections 19(3) to (6) and substituting the following [subsections]:
- (3) A shut-off under this Section results in the withdrawal of the producer's registration under the proAction program.
  - (4) After a shut-off under this Section, the producer may apply to the Board, on a form provided by the Board, for a transitional registration under the proAction program.
  - (5) The Board may approve a transitional registration under this Section in accordance with a policy regarding transitional proAction registration as established and amended from time to time by the Board.
  - (6) A producer who incurs a shut-off under this Section remains subject to the shut-off until both of the following have occurred:
    - (a) the shut-off has been in place for at least 6 days;
    - (b) the producer has been granted a transitional registration under the proAction program.
  - (7) After a producer has been subject to a shut-off under this Section for 60 consecutive days, the Board may cancel the producer's producer licence or impose by order any conditions that the producer must meet before the shut-off is lifted, but the Board must hold a hearing under Section 22 before cancelling or imposing conditions on the licence.
  - (8) Sections 16, 17 and 18, respecting shut-offs incurred for violating the milk quality standards, do not apply to a shut-off under this Section.
  - (9) A producer who is subject to a shut-off under this Section is not entitled to a review under Section 20.

**N.S. Reg. 97/2023**

Made: June 1, 2023

Filed: June 2, 2023

Prescribed Petroleum Products Prices

Order dated June 1, 2023

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*

[Please note: *Prescribed Petroleum Products Prices* filed with the Office of the Registrar of Regulations on and after January 23, 2023, will no longer be published in the *Royal Gazette Part II*. Publication of the *Prescribed Petroleum Products Prices* has been dispensed with by order of the Attorney General dated January 23, 2023, and published on page 63 of the February 10, 2023, issue of the *Royal Gazette Part II*. Current and historical *Prescribed Petroleum Products Prices* are available for inspection in person at the Office of the Registrar of Regulations and can be viewed on the Nova Scotia Utility and Review Board's website at the following address: <https://nsuarb.novascotia.ca/mandates/gasoline-diesel-pricing>.]

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**N.S. Reg. 98/2023**

Made: November 30, 2022

Filed: June 6, 2023

Pharmacy Practice Regulations—amendment

Order dated May 29, 2023

Amendment to regulations made by the Council of the Nova Scotia College of Pharmacists  
pursuant to Section 80 of the *Pharmacy Act*

**Certificate of Resolution**

I hereby certify that the Council of the Nova Scotia College of Pharmacists, at a duly convened meeting of the Council held on November 30, 2022, pursuant to Section 80 of Chapter 11 of the Acts of 2011, the *Pharmacy Act*, resolved to amend the *Pharmacy Practice Regulations*, N.S. Reg. 258/2013, made by the Council of the Nova Scotia College of Pharmacists on November 15, 2012, in the manner set forth in the attached Schedule "A".

Signed at Halifax, Nova Scotia, on May 29, 2023.

Council of the Nova Scotia College of Pharmacists

per: sgd. *Beverley Zwicker*

Beverley Zwicker

Registrar and CEO, Nova Scotia College of Pharmacists

**Schedule "A"****Amendment to the *Pharmacy Practice Regulations*  
made by the Council of the Nova Scotia College of Pharmacists  
under Section 80 of Chapter 11 of the Acts of 2011, the *Pharmacy Act***

1 The *Pharmacy Practice Regulations*, N.S. Reg. 258/2013, made by the Council of the Nova Scotia College of Pharmacists dated November 15, 2012, are amended by adding the following subsection immediately after subsection 11(3):

- (4) All steps in the dispensing process must occur within the pharmacy from which a prescription is released unless otherwise provided in the standards of practice.

2 The regulations are further amended by adding the following Section immediately after Section 28:

**Provision of pharmacy services outside licensed pharmacy**

- 29 A pharmacist who provides pharmacy services outside the jurisdiction of a licensed pharmacy must submit a completed annual registration form as supplied by the Registrar, describing the pharmacy services that will be provided and all related information.