

April 18, 2017

Mr. Cesar Palacio
Chair, Municipal Licensing and Standards Committee
City of Toronto
100 Queen Street West, Suite B37
Toronto, ON
M5H 2N2

**RE: LS 18.5, Mandatory Epinephrine Auto-Injectors (EpiPens) in
Toronto Eateries and Other Multi-Use Public Facilities**

Dear Councilor Palacio:

On behalf of our members, please accept this letter as our submission regarding LS 18.5.

Our members want to provide their customers with a great dining experience in the safest possible environment.

As a result, we have partnered with EpiPen, and Food Allergy Canada, to develop a comprehensive guidance document to assist members in responding appropriately to customers with allergies. We are supportive of restaurants who voluntarily wish to have epi-pens available in their restaurants but we do not think a mandatory EpiPen program is appropriate.

First, we have questions about the liability for restaurant operators. In the past, the Insurance Bureau of Canada and an insurance provider expressed concerns with potential liability in regards to providing a prescription drug to customers. Currently good Samaritan legislation protects an establishment that voluntarily provides assistance; if the assistance is mandatory it is unclear whether the protection would remain.

Secondly, these are drugs that lose their effectiveness or worse, once they have expired. It would be a burden on the City to ensure restaurants consistently have an EpiPen that hasn't expired, particularly when it is unlikely that a restaurant-supplied EpiPen would ever be used.

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Third, would be the training requirement. In an industry with a young and transitional employee base, a simple, low-cost yet highly effective training program would have to be developed. Employees would have to be taught how to use the EpiPen injector, something that a teenager might be uncomfortable with.

Fourth is the issue of cost. All aspects of this proposal would come with a cost. It is unclear as to who would bear those costs. The fear is that the costs would be borne by the restaurant operator in an industry where margins are already razor thin (4.3% on average across Canada and decreasing).

Finally, there is the additional layer of responsibility being downloaded from the individual allergy sufferer to the small business. It should be the responsibility of the allergy sufferer to have his/her EpiPen with him/her at all times.

Restaurants Canada has worked hard to educate our members on allergy awareness and to help those who want additional assistance and we would be willing to partner with the City on education initiatives.

Thank you in advance for your consideration of this submission.

Sincerely,

A handwritten signature in blue ink, appearing to read "James Rilett". The signature is stylized and cursive.

James Rilett
Vice President, Ontario

c.c.: His Worship John Tory, Mayor of Toronto