


<p>ARIZONA DEPARTMENT OF AGRICULTURE</p> <p><u>SUBSTANTIVE POLICY STATEMENT</u></p> <p>ANIMAL SERVICES DIVISION</p> <p>Frozen Dessert, Dairy, and Dairy Products Processing and Manufacturing at Restaurants and Kitchens</p> <p>A.R.S. § 3-601 et seq. and R3-2-801 et seq.</p>	<p><u>DIVISION/ PROGRAM</u> <u>ASD</u></p> <p><u>SP 22-03</u></p> <p> <u>SIGNATURE</u></p> <p><u>8/28/22</u> <u>DATE</u></p>
---	--

This Substantive Policy Statement is advisory only. A Substantive Policy Statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this Substantive Policy Statement does impose additional requirements or penalties on regulated parties, you may petition the agency under section 41-1033, Arizona Revised Statutes, for a review of the statement.

1. BACKGROUND

Milk distributing plants, manufacturing milk processing plants, and frozen dessert manufacturing plants are required to be licensed with the Department, and must follow the Grade A pasteurized milk ordinance and other state and federal regulations, under Arizona Revised Statutes ("A.R.S.") §§ 3-601, *et seq.* and Arizona Administrative Code ("A.A.C.") R3-2-801, *et seq.* (collectively, the "Milk Plant Requirements").

2. POLICY

Unless the Department receives a complaint of non-compliance, the Department will not enforce the Milk Plant Requirements in restaurants and kitchens that:

- Are licensed with the Health Department within their jurisdiction.
- Use only Grade A pasteurized milk or pasteurized milk-based products as an ingredient for the dairy product manufactured.
- Manufacture and sell the product at the same food establishment for consumption on the premises; or retail the product off site directly to the final consumer, provided that the off-site sale is made by a "small business," defined in A.R.S. § 41-1001(23) as "a concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than four million dollars in its last fiscal year."
- Do not offer at wholesale the product manufactured at the restaurant or kitchen.

3. EFFECTIVE DATE

This Substantive Policy Statement is effective as of the date indicated above.