



November 13, 2023

Dear Food Facility Operator:

On November 1, 2023, the Pennsylvania General Assembly voted to approve [Senate Bill 152](#), which repealed the PA Frozen Dessert Law of 1965, and Governor Shapiro subsequently signed the bill into law on November 6, 2023. The immediate repeal of this law effectively rescinds the corresponding Frozen Dessert regulations found at 7 Pa. Code Chapter 49.

The repeal of the Frozen Dessert Law eliminates the requirement to obtain an annual frozen dessert license, and renewals for 2024 will not be mailed or processed. If you have submitted payment for your 2024 license, either by check or online, your payment will be returned or refunded.

As the corresponding Frozen Dessert regulations will no longer be in effect, this will eliminate the monthly microbiological testing requirements for most current frozen dessert licensees. Operators may voluntarily continue microbiological testing as part of their own quality assurance program, but those results are not required to be shared with the Department.

The Department, county, or local health jurisdiction will continue to enforce licensing and inspection requirements under the Retail Food Facility Safety Act and the PA Food Code regulations for **Retail manufacturers of frozen desserts**. On the reverse side of this letter, you will find a list of the key regulatory provisions under the PA Food Code that apply to cleaning and sanitizing of frozen dessert equipment, equipment maintenance, temperature control, datemarking, and approved source of frozen dessert mixes. This is not an exhaustive list of the regulatory provisions that may be applicable to your food operation or enforced by the Department.

Wholesale manufacturers of frozen desserts or mixes are required to hold a Milk Permit from the Department and shall remain subject to the applicable microbiological testing and laboratory reporting requirements specified in 7Pa. Code Chapter 59a, Milk Sanitation regulations. The Department will continue to enforce the permitting and inspection requirements of the Milk Sanitation Law and regulations, Food Safety Act, and the Code of Federal regulations as these laws and regulations apply to the wholesale manufacture of frozen desserts.

Please contact the Bureau of Food Safety at 717-787-4315 or at RA-FoodSafety@pa.gov with any questions you may have regarding these changes.

Sincerely,

Pennsylvania Department of Agriculture
Bureau of Food Safety & Laboratory Services

INSPECTION GUIDANCE: Retail Frozen Dessert Machines

The checklist below can be used by Retail Food Facility licensees who use frozen dessert machines, to meet the requirements of the PA Food Code regulations. Reference Food Code Sections are listed.

Cleaning Provisions

4-602.11 (D)(3)

If not a heat treatment frozen dessert equipment: Machine disassembled, cleaned, and sanitized daily or per the manufacturer's instructions. If not daily, adhere to manufacturer instructions for cleaning and sanitizing. Instructions shall be available for review (*4-602.11 (D)(6)*).

4-602.11 (D)(6)

If heat treatment frozen dessert equipment: Machine disassembled, cleaned, and sanitized in the last 14 or 21 days, as per the manufacturer's instructions.

4-602.11 (D)(2)(b)

Cleaning frequencies of the machine are required to be documented by the facility.

4-501.17 & 4-501.114

Sanitizer or Detergent/Sanitizers are approved for use and used according to manufacturer instructions (temperature, concentration, contact time).

4-603.12, 4-603.14, 4-603.15, 4-603.16, 4-701.10, 4-702.11, 4-703.11, 4-901.11

Proper warewashing procedures followed: wash, rinse, sanitize, air drying before re-assembly.

4-603.14

A complete set of cleaning brushes is available, in good condition and replaced when worn.

Equipment in Good Repair

4-501.11 (B)

Machine parts, especially gaskets, should be routinely inspected for cracks/wear and replaced according to manufacturer's instructions, typically annually, or more frequently when needed.

Temperature

3-501.16(A)(2)

Frozen Dessert Machine Hopper temperature of mix maintained at 41°F or below.
Storage temperature of walk-in/reach-in cooler for mix is 41°F or below.

Datemarking

3-501.17 (B)

Open frozen dessert mix product is datemarked appropriately and discarded in 7 days if not used.

3-501.17 (C)

If 'rerun' is used, documentation maintained to show that the cycle is broken in 7 days as required by datemarking.

Approved Source

3-201.13 & 3-202.14(B)

Mix supplied is from an Approved Source (Permitted by PDA or equivalent state regulatory agency).