

**IMPORTANT:** Use this form (REGS-1) to submit permanent regulations to the Legislative Regulation Review Committee.  
For *emergency regulations*, use form REGS-1-E instead.  
For *non-substantive technical amendments and repeals* proposed without prior notice or hearing as permitted by subsection (g) of CGS 4-168, as amended by PA 13-247 and PA 13-274, use form REGS-1-T instead.

Please read the additional instructions on the back of the last page (Certification Page) before completing this form. Failure to comply with the instructions may cause disapproval of proposed regulations.

State of Connecticut  
**REGULATION**  
of the

NAME OF AGENCY:

The Department of Consumer Protection  
Concerning

SUBJECT MATTER OF REGULATION:

Frozen Desserts

**Section 1.** The Regulations of Connecticut State Agencies are hereby amended by adding section 21a-58-38 as follows:

**(NEW) Sec. 21a-58-38. Exceptions to pasteurization of frozen dairy dessert mix**

- (a) Frozen desserts with additives that meet the requirements of the latest revision of the Pasteurized Milk Ordinance (PMO), as adopted by reference in section 22-133-115 of the Regulations of Connecticut State Agencies, shall be permitted, provided that:
- (1) Such products shall be made with milk and milk products that have been pasteurized and have been obtained from a source operating in compliance with the most up to date version of the PMO, and all added ingredients shall meet the requirements of the PMO;
  - (2) Pasteurized milk and milk products used in production shall only come from single-use packaging, and said products shall be completely used in a single day's production; and
  - (3) Added powdered ingredients, other than flavorings, shall only come from aseptically packaged single-batch containers.
- (b) Frozen desserts that are produced from ingredients in accordance with subsection (a) of this section are exempt from the need to pasteurize the frozen dessert mix prior to flavoring and freezing, provided that the production process and resulting mix complies with the following specifications:
- (1) The frozen dessert shall be manufactured to be served directly to the consumer in single serving containers designed for consumption at the time of delivery, such as being scooped or spooned into cones or cups for immediate consumption;
  - (2) The frozen dessert shall be made with pasteurized dairy and pasteurized egg products obtained from single-use packaging, which products shall be completely used in a single day's production;

- (3) Sweeteners and flavorings approved for use for the particular type of frozen dessert shall be stored in a manner that would prevent contamination, and may be blended into the mix;
- (4) In addition to sweeteners and flavorings, other ingredients allowed for frozen desserts as specified in this section may be added provided they are packaged in aseptic packaging and are used completely within a single day's production;
- (5) Make sheets shall be maintained for each base batch with a tracking system that allows easy traceability of all the ingredients used in each batch;
- (6) Dairy, egg and other perishable ingredients, and the prepared mix, shall be held at or below 38° F at all times. If the mix is to be "heat treated," the target temperature shall be reached not later than sixty (60) minutes after starting the heating process, and after heat treatment is concluded, it shall not take longer than sixty (60) minutes for the mix to be cooled to 38° F or below;
- (7) The mix shall be frozen within one hundred forty four (144) hours of preparation;
- (8) Unfrozen mix shall be date marked in a manner consistent with the requirements set forth in the Uniform Open Dating Regulation, as amended from time to time by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130, or subsequent corresponding handbook of the United States Department of Commerce. The dates of preparation and disposal shall be indicated on any prepared product; and
- (9) All other applicable regulations shall be complied with.

**Statement of Purpose**

*Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.*

**PURPOSE**

The purpose of these regulations is provide an alternate means of production for the manufacture and retail sale of frozen desserts. To ensure an unadulterated product, the regulations allow the mixing of previously pasteurized products, require the use of specific refrigeration temperatures for such derived mixtures, and also require date marking.

**SUMMARY**

With these regulations, retail manufacturers of frozen desserts will be allowed to employ an alternate production process which makes use of previously pasteurized ingredients.

**LEGAL EFFECTS**

The legal effect of this proposal would be to add an alternate new set of standards for the preparation of frozen desserts.