



Milk Industry Act

DAIRY PLANT
EXCEPTION REGULATION

B.C. Reg. 224/2019

Deposited and effective November 1, 2019

Consolidated Regulations of British Columbia

This is an unofficial consolidation.

B.C. Reg. 224/2019 (O.C. 560/2019), deposited and effective November 1, 2019, is made under the *Milk Industry Act*, R.S.B.C. 1996, c. 289, s. 40 (2) and (4).

This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at www.bclaws.ca.

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DAIRY PLANT EXCEPTION REGULATION

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Definitions

1 In this regulation:

“**food premises**” has the same meaning as in the Food Premises Regulation;

“**food service establishment**” has the same meaning as in the Food Premises Regulation;

“**licensed operator**” means a person who holds a licence to operate a dairy plant.

Frozen dairy products from prepared mixes

2 A food premises is not a dairy plant if

- (a) the processing or manufacturing of dairy products on the food premises consists only of operating a freezing device to make frozen dairy products, and
- (b) milk-based ingredients used to make the frozen dairy products have been provided by a licensed operator in the form of a prepared mix.

Food for immediate consumption

3 A food service establishment is not a dairy plant if the processing or manufacturing of dairy products in the food service establishment meets all of the following conditions:

- (a) milk-based ingredients used to make the dairy products have been provided by a licensed operator;
- (b) the dairy products are processed
 - (i) entirely at the food service establishment from which the dairy products will be provided under paragraph (c), or
 - (ii) at another food premises operated by the same operator of the food service establishment from which the dairy products will be provided under paragraph (c) and transferred directly, without sale, to that food service establishment;
- (c) the dairy products are provided by the food service establishment directly to persons for the purpose of immediate consumption, whether on or off the premises of the food service establishment;
- (d) the dairy products are not packaged in a manner that would make them suitable for, and are not offered for, wholesale or retail from another food premises.