



# The National Agricultural Law Center

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Cottage Food Law Statutes:

*Arizona*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

# A National Agricultural Law Center Research Publication

## Cottage Food Laws: Arizona

[Ariz. Rev. Stat. § 36-136 \(2024\)](#)  
[Ariz. Rev. Stat. § 36-931 to 933 \(2024\)](#)  
[Ariz. Admin. Code §R9-8-110 \(2024\)](#)  
[Ariz. Admin. Code §R9-8-118 \(2024\)](#)

*Current through L. 2024, ch. 259; Current through Register Vol. 31, No. 2, January 10, 2025.*

### **Ariz. Rev. Stat. § 36-136 (2024), Powers and duties of the director; compensation of personnel; rules; definitions.**

#### A. The director shall:

1. Be the executive officer of the department of health services and the state registrar of vital statistics but shall not receive compensation for services as registrar.
2. Perform all duties necessary to carry out the functions and responsibilities of the department.
3. Prescribe the organization of the department. The director shall appoint or remove personnel as necessary for the efficient work of the department and shall prescribe the duties of all personnel. The director may abolish any office or position in the department that the director believes is unnecessary.
4. Administer and enforce the laws relating to health and sanitation and the rules of the department.
5. Provide for the examination of any premises if the director has reasonable cause to believe that on the premises there exists a violation of any health law or rule of this state.
6. Exercise general supervision over all matters relating to sanitation and health throughout this state. When in the opinion of the director it is necessary or advisable, a sanitary survey of the whole or of any part of this state shall be made. The director may enter, examine and survey any source and means of water supply, sewage disposal plant, sewerage system, prison, public or private place of detention, asylum, hospital, school, public building, private institution, factory, workshop, tenement, public washroom, public restroom, public toilet and toilet facility, public eating room and restaurant, dairy, milk plant or food manufacturing or processing plant, and any premises in which the director has reason to believe there



exists a violation of any health law or rule of this state that the director has the duty to administer.

7. Prepare sanitary and public health rules.

8. Perform other duties prescribed by law.

B. If the director has reasonable cause to believe that there exists a violation of any health law or rule of this state, the director may inspect any person or property in transportation through this state, and any car, boat, train, trailer, airplane or other vehicle in which that person or property is transported, and may enforce detention or disinfection as reasonably necessary for the public health if there exists a violation of any health law or rule.

C. The director, after consultation with the department of administration, may take all necessary steps to enhance the highest and best use of the state hospital property, including contracting with third parties to provide services, entering into short-term lease agreements with third parties to occupy or renovate existing buildings and entering into long-term lease agreements to develop the land and buildings. The director shall deposit any monies collected from contracts and lease agreements entered into pursuant to this subsection in the Arizona state hospital charitable trust fund established by section 36-218. At least thirty days before issuing a request for proposals pursuant to this subsection, the department of health services shall hold a public hearing to receive community and provider input regarding the highest and best use of the state hospital property related to the request for proposals. The department shall report to the joint committee on capital review on the terms, conditions and purpose of any lease or sublease agreement entered into pursuant to this subsection relating to state hospital lands or buildings or the disposition of real property pursuant to this subsection, including state hospital lands or buildings, and the fiscal impact on the department and any revenues generated by the agreement. Any lease or sublease agreement entered into pursuant to this subsection relating to state hospital lands or buildings or the disposition of real property pursuant to this subsection, including state hospital lands or buildings, must be reviewed by the joint committee on capital review.

D. The director may deputize, in writing, any qualified officer or employee in the department to do or perform on the director's behalf any act the director is by law empowered to do or charged with the responsibility of doing.

E. The director may delegate to a local health department, county environmental department or public health services district any functions, powers or duties that the director believes can be competently, efficiently and properly performed by the local health department, county environmental department or public health services district if:

1. The director or superintendent of the local health department, environmental department or public health services district is willing to accept the delegation and agrees



to perform or exercise the functions, powers and duties conferred in accordance with the standards of performance established by the director of the department of health services.

2. Monies appropriated or otherwise made available to the department for distribution to or division among counties or public health services districts for local health work may be allocated or reallocated in a manner designed to ensure the accomplishment of recognized local public health activities and delegated functions, powers and duties in accordance with applicable standards of performance. If in the director's opinion there is cause, the director may terminate all or a part of any delegation and may reallocate all or a part of any monies that may have been conditioned on the further performance of the functions, powers or duties conferred.

F. The compensation of all personnel shall be as determined pursuant to section 38-611.

G. The director may make and amend rules necessary for the proper administration and enforcement of the laws relating to the public health.

H. Notwithstanding subsection I, paragraph 1 of this section, the director may define and prescribe emergency measures for detecting, reporting, preventing and controlling communicable or infectious diseases or conditions if the director has reasonable cause to believe that a serious threat to public health and welfare exists. Emergency measures are effective for not longer than eighteen months.

I. The director, by rule, shall:

1. Define and prescribe reasonably necessary measures for detecting, reporting, preventing and controlling communicable and preventable diseases. The rules shall declare certain diseases that are reportable. The rules shall prescribe measures, including isolation or quarantine, that are reasonably required to prevent the occurrence of, or to seek early detection and alleviation of, disability, insofar as possible, from communicable or preventable diseases. The rules shall include reasonably necessary measures to control animal diseases that are transmittable to humans.

2. Define and prescribe reasonably necessary measures, in addition to those prescribed by law, regarding the preparation, embalming, cremation, interment, disinterment and transportation of dead human bodies and the conduct of funerals, relating to and restricted to communicable diseases and regarding the removal, transportation, cremation, interment or disinterment of any dead human body.

3. Define and prescribe reasonably necessary procedures that are not inconsistent with law in regard to the use and



accessibility of vital records, delayed birth registration and the completion, change and amendment of vital records.

4. Except as relating to the beneficial use of wildlife meat by public institutions and charitable organizations pursuant to title 17, prescribe reasonably necessary measures to ensure that all food or drink, including meat and meat products and milk and milk products sold at the retail level, provided for human consumption is free from unwholesome, poisonous or other foreign substances and filth, insects or disease-causing organisms. The rules shall prescribe reasonably necessary measures governing the production, processing, labeling, storing, handling, serving and transportation of these products. The rules shall prescribe minimum standards for the sanitary facilities and conditions that shall be maintained in any warehouse, restaurant or other premises, except a meatpacking plant, slaughterhouse, wholesale meat processing plant, dairy product manufacturing plant or trade product manufacturing plant. The rules shall prescribe minimum standards for any truck or other vehicle in which food or drink is produced, processed, stored, handled, served or transported. The rules shall provide for the inspection and licensing of premises and vehicles so used, and for abatement as public nuisances of any premises or vehicles that do not comply with the rules and minimum standards. The rules shall provide an exemption relating to food or drink that is:

- (a) Served at a noncommercial social event such as a potluck.
- (b) Prepared at a cooking school that is conducted in an owner-occupied home.
- (c) Not potentially hazardous and prepared in a kitchen of a private home for sale or distribution for noncommercial purposes.
- (d) Prepared or served at an employee-conducted function that lasts less than four hours and is not regularly scheduled, such as an employee recognition, an employee fundraising or an employee social event.
- (e) Offered at a child care facility and limited to commercially prepackaged food that is not potentially hazardous and whole fruits and vegetables that are washed and cut on-site for immediate consumption.
- (f) Offered at locations that sell only commercially prepackaged food or drink that is not potentially hazardous.
- (g) A cottage food product that is prepared in a kitchen of a private home for commercial purposes consistent with chapter 8, article 2 of this title.



(h) A whole fruit or vegetable grown in a public school garden that is washed and cut on-site for immediate consumption.

(i) Produce in a packing or holding facility that is subject to the United States food and drug administration produce safety rule (21 Code of Federal Regulations part 112) as administered by the Arizona department of agriculture pursuant to title 3, chapter 3, article 4.1. For the purposes of this subdivision, "holding", "packing" and "produce" have the same meanings prescribed in section 3-525.

(j) Spirituous liquor produced on the premises licensed by the department of liquor licenses and control. This exemption includes both of the following:

(i) The area in which production and manufacturing of spirituous liquor occurs, as defined in an active basic permit on file with the United States alcohol and tobacco tax and trade bureau.

(ii) The area licensed by the department of liquor licenses and control as a microbrewery, farm winery or craft distiller that is open to the public and serves spirituous liquor and commercially prepackaged food, crackers or pretzels for consumption on the premises. A producer of spirituous liquor may not provide, allow or expose for common use any cup, glass or other receptacle used for drinking purposes. For the purposes of this item, "common use" means the use of a drinking receptacle for drinking purposes by or for more than one person without the receptacle being thoroughly cleansed and sanitized between consecutive uses by methods prescribed by or acceptable to the department.

(k) Spirituous liquor produced by a producer that is licensed by the department of liquor licenses and control or spirituous liquor imported and sold by wholesalers that is licensed by the department of liquor licenses and control. This exemption includes all commercially prepackaged spirituous liquor and all spirituous liquor poured at a licensed special event, festival or fair in this state.

5. Prescribe reasonably necessary measures to ensure that all meat and meat products for human consumption handled at the retail level are delivered in a manner and from sources approved by the Arizona department of agriculture and are free from unwholesome, poisonous or other foreign substances and filth, insects or disease-causing organisms. The rules shall prescribe standards for sanitary facilities to be used in identifying,



storing, handling and selling all meat and meat products sold at the retail level.

6. Prescribe reasonably necessary measures regarding production, processing, labeling, handling, serving and transportation of bottled water to ensure that all bottled drinking water distributed for human consumption is free from unwholesome, poisonous, deleterious or other foreign substances and filth or disease-causing organisms. The rules shall prescribe minimum standards for the sanitary facilities and conditions that shall be maintained at any source of water, bottling plant and truck or vehicle in which bottled water is produced, processed, stored or transported and shall provide for inspection and certification of bottled drinking water sources, plants, processes and transportation and for abatement as a public nuisance of any water supply, label, premises, equipment, process or vehicle that does not comply with the minimum standards. The rules shall prescribe minimum standards for bacteriological, physical and chemical quality for bottled water and for submitting samples at intervals prescribed in the standards.

7. Define and prescribe reasonably necessary measures governing ice production, handling, storing and distribution to ensure that all ice sold or distributed for human consumption or for preserving or storing food for human consumption is free from unwholesome, poisonous, deleterious or other foreign substances and filth or disease-causing organisms. The rules shall prescribe minimum standards for the sanitary facilities and conditions and the quality of ice that shall be maintained at any ice plant, storage and truck or vehicle in which ice is produced, stored, handled or transported and shall provide for inspection and licensing of the premises and vehicles, and for abatement as public nuisances of ice, premises, equipment, processes or vehicles that do not comply with the minimum standards.

8. Define and prescribe reasonably necessary measures concerning sewage and excreta disposal, garbage and trash collection, storage and disposal, and water supply for recreational and summer camps, campgrounds, motels, tourist courts, trailer coach parks and hotels. The rules shall prescribe minimum standards for preparing food in community kitchens, adequacy of excreta disposal, garbage and trash collection, storage and disposal and water supply for recreational and summer camps, campgrounds, motels, tourist courts, trailer coach parks and hotels and shall provide for inspection of these premises and for abatement as public nuisances of any premises or facilities that do not comply with the rules. Primitive camp and picnic grounds offered by this state or a political subdivision of this state are exempt from rules adopted pursuant to this paragraph but are subject to approval by a county health department under sanitary regulations adopted pursuant to section 36-183.02. Rules adopted pursuant to this paragraph do not apply to two or fewer



recreational vehicles as defined in section 33-2102 that are not park models or park trailers, that are parked on owner-occupied residential property for less than sixty days and for which no rent or other compensation is paid. For the purposes of this paragraph, "primitive camp and picnic grounds" means camp and picnic grounds that are remote in nature and without accessibility to public infrastructure such as water, electricity and sewer.

9. Define and prescribe reasonably necessary measures concerning the sewage and excreta disposal, garbage and trash collection, storage and disposal, water supply and food preparation of all public schools. The rules shall prescribe minimum standards for sanitary conditions that shall be maintained in any public school and shall provide for inspection of these premises and facilities and for abatement as public nuisances of any premises that do not comply with the minimum standards.

10. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious health conditions at these places. The rules shall prescribe minimum standards for sanitary conditions that shall be maintained at any public or semipublic swimming pool or bathing place and shall provide for inspection of these premises and for abatement as public nuisances of any premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of environmental quality and shall be consistent with the rules adopted by the director of the department of environmental quality pursuant to section 49-104, subsection B, paragraph 12.

11. Prescribe reasonably necessary measures to keep confidential information relating to diagnostic findings and treatment of patients, as well as information relating to contacts, suspects and associates of communicable disease patients. Confidential information may not be made available for political or commercial purposes.

12. Prescribe reasonably necessary measures regarding human immunodeficiency virus testing as a means to control the transmission of that virus, including the designation of anonymous test sites as dictated by current epidemiologic and scientific evidence.

13. Establish an online registry of food preparers that are authorized to prepare cottage food products for commercial purposes pursuant to paragraph 4 of this subsection and chapter 8, article 2 of this title. A registered food preparer shall renew the registration every three years and shall provide to the department updated registration information within thirty days after any change.



14. Prescribe an exclusion for fetal demise cases from the standardized survey known as "the hospital consumer assessment of healthcare providers and systems".

J. The rules adopted under the authority conferred by this section shall be observed throughout this state and shall be enforced by each local board of health or public health services district, but this section does not limit the right of any local board of health or county board of supervisors to adopt ordinances and rules as authorized by law within its jurisdiction if the ordinances and rules do not conflict with state law and are equal to or more restrictive than the rules of the director.

K. The powers and duties prescribed by this section do not apply in instances in which regulatory powers and duties relating to public health are vested by the legislature in any other state board, commission, agency or instrumentality, except that with regard to the regulation of meat and meat products, the department of health services and the Arizona department of agriculture within the area delegated to each shall adopt rules that are not in conflict.

L. The director, in establishing fees authorized by this section, shall comply with title 41, chapter 6. The department shall not set a fee at more than the department's cost of providing the service for which the fee is charged. State agencies are exempt from all fees imposed pursuant to this section.

M. After consultation with the state superintendent of public instruction, the director shall prescribe the criteria the department shall use in deciding whether or not to notify a local school district that a pupil in the district has tested positive for the human immunodeficiency virus antibody. The director shall prescribe the procedure by which the department shall notify a school district if, pursuant to these criteria, the department determines that notification is warranted in a particular situation. This procedure shall include a requirement that before notification the department shall determine to its satisfaction that the district has an appropriate policy relating to nondiscrimination of the infected pupil and confidentiality of test results and that proper educational counseling has been or will be provided to staff and pupils.

N. Until the department adopts exemptions by rule as required by subsection I, paragraph 4, subdivision (f) of this section, food and drink are exempt from the rules prescribed in subsection I of this section if offered at locations that sell only commercially prepackaged food or drink that is not potentially hazardous, without a limitation on its display area.

O. Until the department adopts exemptions by rule as required by subsection I, paragraph 4, subdivision (h) of this section, a whole fruit or vegetable grown in a public school garden that is washed and cut on-site for immediate consumption is exempt from the rules prescribed in subsection I of this section.



P. Until the department adopts an exclusion by rule as required by subsection I, paragraph 14 of this section, the standardized survey known as "the hospital consumer assessment of healthcare providers and systems" may not include patients who experience a fetal demise.

Q. Until the department adopts exemptions by rule as required by subsection I, paragraph 4, subdivision (j) of this section, spirituous liquor and commercially prepackaged food, crackers or pretzels that meet the requirements of subsection I, paragraph 4, subdivision (j) of this section are exempt from the rules prescribed in subsection I of this section.

R. For the purposes of this section:

1. "Cottage food product" has the same meaning prescribed in section 36-931.
2. "Fetal demise" means a fetal death that occurs or is confirmed in a licensed hospital. Fetal demise does not include an abortion as defined in section 36-2151.

### **Ariz. Rev. Stat. § 36-931. Definitions.**

In this article, unless the context otherwise requires:

1. "Cottage food product":

(a) Means a food that is prepared in a home kitchen by or under the direct supervision of an individual who is registered with the department and that either, as defined by the department in rule:

(i) Is not potentially hazardous or does not require time or temperature control for safety.

(ii) Is potentially hazardous or requires time or temperature control for safety.

(b) Does not include alcoholic beverages, unpasteurized milk or foods that are or that contain alcoholic beverages, fish and shellfish products, meat, meat by-products, poultry or poultry by-products unless the sale of those items is allowed by federal law, including all of the following:

(i) Poultry, poultry by-products or poultry food products if the registered food preparer raised the poultry pursuant to the one thousand bird exemption set forth in 9 Code of Federal Regulations section 381.10(c).

(ii) Poultry, poultry by-products or poultry food products if the poultry is from an inspected source pursuant to 9 Code of Federal Regulations section 381.10(d).



(iii) Meat, meat by-products or meat food products if the meat is from an inspected source pursuant to 9 Code of Federal Regulations section 303.1(d).

2. "Department" means the department of health services.
3. "Home kitchen" means a kitchen in either, as applicable:
  - (a) The residential home or dwelling of the individual who is registered with the department to prepare cottage food products, of a type that is normally found in a residential home and that does not exceed one thousand square feet.
  - (b) A facility for individuals with developmental disabilities and of a type normally found in a facility for individuals with developmental disabilities.
4. "Potentially hazardous" means that a cottage food product does not meet the requirements of the food code published by the United States food and drug administration, as modified and incorporated by reference by the department by rule.
5. "Third-party food delivery platform" means an online business that acts as an intermediary between consumers and multiple food facilities to submit food orders from a consumer to a participating food facility and to arrange for the delivery of the order from the food facility to the consumer.

**Ariz. Rev. Stat. § 36-932. Labeling; food handler certification; sale and delivery requirements.**

A. Cottage food products must be packaged at home with an attached label in a clear and legible printed or handwritten font that does all of the following:

1. Clearly states the name and registration number of the food preparer.
2. Lists all the ingredients in the cottage food product and the cottage food product's production date.
3. Includes the following statement: "This product was produced in a home kitchen that may come in contact with common food allergens and pet allergens and is not subject to public health inspection."
4. If the cottage food product was made in a facility for individuals with developmental disabilities, discloses that fact.
5. Includes a website address provided by the department that includes all of the following:
  - (a) Contact information for consumers to report foodborne illnesses.
  - (b) Information on how to verify a food preparer's active registration status.



(c) Contact information for reporting issues regarding a food preparer's registration status.

B. If a cottage food product is offered for sale online, the food preparer must provide a prominent notification that includes all of the following:

1. The name and registration number of the food preparer.
2. A list of all ingredients in the cottage food product and the cottage food product's production date.
3. The following statement: "This product was produced in a home kitchen that may come in contact with common food allergens and pet allergens and is not subject to public health inspection."
4. A website address provided by the department that includes all of the following:
  - (a) Contact information for consumers to report foodborne illnesses.
  - (b) Information on how to verify a food preparer's active registration status.
  - (c) Contact information for reporting issues regarding a food preparer's registration status.

C. The person preparing the cottage food product or directly supervising the food preparation must complete a food handler training course from an accredited program and maintain active certification. The food preparer must register with the online registry established by the department pursuant to section 36-136, subsection I, paragraph 13. The food preparer must display the preparer's certificate of registration when operating as a temporary food establishment.

D. A food preparer:

1. Except as otherwise provided in this article, may sell cottage food products to the maximum extent allowed by federal law.
2. May not store cottage food products or food preparation equipment outside of the food preparer's home.

E. Cottage food products may be sold and delivered only under the following conditions:

1. Cottage food products that do not contain dairy, meat or poultry must be sold by the food preparer of the cottage food product or an agent of the food preparer, including a third-party vendor, and delivered to the consumer by the food preparer, the agent of the food preparer, the third-party vendor or a third-party carrier.



2. Cottage food products that are dairy products or that contain meat or poultry must be sold by the food preparer of the cottage food product in person or remotely, including over the internet but excluding third-party food delivery platforms, and delivered to the consumer in person.

3. If a cottage food product is potentially hazardous or requires time or temperature control for safety and is transported before final delivery to consumers, the cottage food product must be maintained at an appropriate temperature during transport, cannot be transported more than once and cannot be transported for longer than two hours.

4. If a cottage food product is sold by a third-party vendor, the cottage food product must be sold in a separate section of the store or on a separate display case from nonhomemade food items and the vendor must display a sign that indicates that the cottage food products are homemade and exempt from state licensing and inspection.

F. A cottage food product may not:

1. Be used as an ingredient in food products sold at a permitted retail food establishment.

2. Include marijuana or marijuana by-products.

G. A cottage food product shall contain only ingredients that are from sources that are approved by law.

H. A home kitchen that is used to prepare cottage food products may not operate as a commissary for the purposes of section 36-1761.

### **Ariz. Rev. Stat. § 36-933. Applicability of article; rules; enforcement.**

A. This article:

1. Is not more restrictive than the applicable federal laws.

2. Does not impede the department from investigating any reported foodborne illness.

3. Does not change the requirements for brand inspections, animal health inspections or any food inspections required by state or federal law, or change the requirements for the sale of milk, milk products, raw milk or raw milk products pursuant to section 3-606.

4. Does not affect any county or municipal building code, zoning code or ordinance or other land use regulation.

B. The department shall adopt rules relating to cottage food products that are consistent with this article and section 36-136, subsection I and that include both of the following:

1. A provision requiring recertification as a food handler or suspension or revocation of an individual's registration for



failing to comply with the requirements of this article or impeding in the investigation of a reported foodborne illness.

2. Guidance relating to approved ingredient sources.

C. The department may enforce this article.

D. A county may not be required to enforce this article.

E. This article does not prevent the department and a local health agency, environmental agency or public health services agency from entering into a delegation agreement to enforce this article.

### **Ariz. Admin. Code §R9-8-110 (2024), Mobile Food Units**

A. In addition to the definitions in A.R.S. § 36-1761 and in this Article, the following definitions apply to this Section, unless otherwise specified:

1. "Commissary" means a facility that:

a. Is APPROVED by a REGULATORY AUTHORITY as safe and sanitary for FOOD preparation consistent with the FC and other state statutes and laws; and

b. Provides support and servicing activities to a mobile food unit that may include:

i. A cooking facility or commercial kitchen used to prepare FOOD for sale and consumption;

ii. A space for storing FOOD, including refrigeration, and supplies;

iii. A source for potable water and disposing of wastewater;

iv. A source for refuse disposal; and

v. An area for cleaning equipment or a mobile food unit.

2. "Commercially processed" means FOOD prepared or packaged by a FOOD manufacturer or licensed-permanent FOOD ESTABLISHMENT compliant with LAW.

3. "County" means a public health services district, local health department, department of environmental services, or department of environmental quality authorized to issue a mobile food unit state-license.



4. "Individually packaged" means pre-packaged FOOD that are ready for consumption and are not re-packaged prior to sale to consumers.
5. "Food manufacturer" means a business engaged in making FOOD from one or more ingredients, or synthesizing, preparing, treating, modifying or manipulating FOOD, including FOOD crops or ingredients.
6. "Other servicing area" means a facility that may provide one or more services, such as:
  - a. Disposing of refuse,
  - b. Disposing of wastewater,
  - c. Recharging potable water tank,
  - d. Disposing of excreta, or
  - e. Cleaning mobile food unit.
7. "Permit" means a document issued by a county authorizing a state-licensed mobile food unit, whose state-license was issued by a different county, to operate in the county issuing the permit according to A.R.S. § 36-1761(A)(3).
8. "Pre-packaged foods" means edible products sealed in a box, bag, can, or other container and sold to retailers or consumers in the same packaged box, bag, can, or other container.
9. "State-license" means a document:
  - a. Issued by the county where a mobile food unit's commissary is located according to A.R.S. 36-1761(A)(3)(c); and
  - b. Authorizes the mobile food unit to dispense FOOD for immediate service and human consumption.
10. "Statewide inspection" means a visual examination of a mobile food unit to ensure that the mobile food unit meets the standards specified A.R.S. § 36-1761 and in this Article.

**B. A mobile food vendor shall not operate a mobile food unit:**

1. Without a state-license authorizing the mobile food unit to dispense FOOD for immediate service and human consumption;



2. Without a service agreement with an APPROVED commissary according to A.R.S. § 36-1761(A);
3. In another county, other than the county that issued the mobile food unit's state-license, without a permit authorizing the mobile food unit to dispense FOOD for immediate service and human consumption; and
4. If the mobile food unit maintains or engages in a public health nuisance specified A.R.S. § 36-601.

C. A mobile food vendor shall for each mobile food unit:

1. Obtain a state-license that includes a statewide inspection specified in subsection (H).
2. Obtain a renewal state-license annually that includes a statewide inspection specified in subsection (H).
3. Except for the county in which a mobile food unit has a state-license, obtain a permit annually for each county where the mobile food unit operates.
4. Ensure all employees have a valid food handler card or a certificate from an accredited food handler training-provider as specified in the FC.
5. Comply with random statewide inspections at no additional cost except as provided in A.R.S. § 11-269.24.

D. A mobile food unit:

1. Shall display in a conspicuous location for public viewing the mobile food unit's:
  - a. State-license, and
  - b. County permits, if applicable.
2. Shall clearly indicate on the sides or back of the exterior of the vehicle in permanent letters the name of the licensed FOOD ESTABLISHMENT.
3. Shall report to a commissary or other serving area, as applicable, at least every 96 hours following A.R.S. § 11-269.24 or as determined by the county in which the mobile food unit's commissary is located for receiving necessary services during operations to ensure public health and safety.



4. May sell a cottage FOOD prepared for commercial purposes specified in R9-8-118(B)(13).
5. Is not required to operate a specific distance from the perimeter of an existing commercial establishment or restaurant.
6. Shall operate during hours determined by the mobile food vendor.
7. Shall ensure toilet facilities are accessible to employees at a location where the mobile food unit is proposed to stay during all hours of operation.

E. A mobile food unit's state-license shall indicate the mobile food unit classification based on the type of FOOD dispensed and the amount of handling and preparation required:

1. Type I mobile food unit is a FOOD ESTABLISHMENT that dispenses FOOD that are commercially processed, individually PACKAGED and frozen that requires time/temperature control for safety.

2. Type II mobile food unit is a FOOD ESTABLISHMENT that dispenses FOOD that requires limited handling and preparation and:

a. Includes assemble-serve, heat-serve, and hold-serve of commercially processed FOOD;

b. Except for bacon-wrapped hotdogs pre-wrapped at a mobile food unit's commissary, shall not cook raw animal FOOD for service from the mobile food unit;

c. Shall only use produce that is commercially pre-washed or washed in advance at a commissary; and

d. All cooking, processing, preparing, grilling, assembling, storage, and service of any FOOD shall be conducted from the mobile food unit and commissary.

3. Type III mobile food unit is a FOOD ESTABLISHMENT that prepares, cooks, holds, and serves FOOD and:

a. Includes assemble-serve, heat-serve, cook-serve, and hold-serve of commercially processed FOOD;

b. May prepare raw animal FOOD for service from the mobile food unit; and



c. All cooking, processing, preparing, grilling, assembling, storage, and service of any FOOD shall be conducted inside the mobile food unit and commissary.

F. A mobile food vendor for each mobile food unit shall have a written agreement with a commissary or other servicing area, as applicable, located in the county that issues a mobile food unit's state-license:

1. Is APPROVED by a REGULATORY AUTHORITY as safe and sanitary for FOOD preparation consistent with the FC and other state statutes and laws;
2. Has a signed agreement with a commissary that includes:
  - a. The commissary's name, address, and telephone number;
  - b. The commissary's permit number issued by a REGULATORY AUTHORITY;
  - c. The mobile food vendor's name, address, and telephone number;
  - d. The manager's name, address, and telephone number, if applicable;
  - e. A list of services to be provided to the mobile food vendor; and
  - f. The expiration date of the agreement, if applicable; or
3. Has a signed agreement with an other servicing area that includes:
  - a. The other servicing area's name, address, and telephone number;
  - b. The other servicing area's permit number, if applicable, issued by a REGULATORY AUTHORITY or other jurisdiction having authority to regulate the other servicing area;
  - c. The mobile food vendor's name, address, and telephone number;
  - d. The manager's name, address, and telephone number, if applicable;
  - e. A list of services to be provided to the mobile food vendor; and



f. The expiration date of the agreement, if applicable.

G. A mobile food vendor for each mobile food unit shall maintain a service log in a Department-provided format that:

1. Documents the type of services, specified in Subsection (E), and dates received;
2. Is maintained in the mobile food unit for at least a period of 30 days; and
3. Is made available to a REGULATORY AUTHORITY upon request.

H. In addition to complying with the FC incorporated by reference in this Article, a mobile food unit is required to maintain general physical and operation requirements for:

1. Installation of compressors, generators, and similar mechanical units that are not an integral part of the FOOD preparation or storage equipment;
2. Waste disposal requirements during and after operation on public or private property, which may not include the size or dimensions of any required solid waste receptacle; and
3. A mobile food unit and equipment used in the mobile food unit shall:
  - a. Be free of dirt, debris, insects, and vermins;
  - b. Be maintained in a clean and sanitary condition;
  - c. Be in good repair and maintained according to manufacturer's requirement, as applicable;
  - d. Be properly ventilated; and
  - e. Not maintain or engage a public health nuisance.

I. A mobile food unit statewide inspection shall ensure:

1. A Type I mobile food unit:
  - a. Has equipment, including compressors, generators, and similar mechanical units approved by the National Sanitation Foundation or American National Standards Institute;
  - b. If selling or dispensing open FOOD, has a handwashing station that:



- i. Is at least a 5 gallon insulated container for potable water that ensures proper handwashing consistent with FC;
- ii. Has a catch-bucket to retain waste water generated from handwashing that is 15% greater than the potable water tank; and
- iii. Has adequate soap and paper towels for time in service; and

c. Does not cook, prepare, or assemble FOOD.

2. A Type II mobile food unit:

- a. Has equipment, including compressors, generators, and similar mechanical units are approved by the National Sanitation Foundation or American National Standards Institute;
- b. Has a potable water tank that is at least five gallons;
- c. Has a waste water tank that is 15% greater than the potable water tank and any other applicable hot water storage or water storage capacity;
- d. Has a handwash sink;
- e. Has a combination mixing faucet of hot and cold water at all sinks;
- f. Has plumbing connections;
- g. Has a waste water tank to drain at lowest point of tank;
- h. Has a water tank with a fill connection located at the top;
- i. Has a National Sanitation Foundation or American National Standards Institute approved FOOD grade water hose;
- j. Has a water heater or other APPROVED hot water source; and
- k. Has a quick-disconnect design for sewer and potable water.

3. In addition to Subsection (2)(a) through (k), a Type III mobile food unit:



- a. Has a three-compartment sink that includes:
  - i. A potable water system under pressure, supplying hot and cold water with a minimum capacity of 30 gallons permanently installed for warewashing, sanitization, and handwashing;
  - ii. A waste water capacity that is 15% greater than the potable water tank; and
  - iii. A minimum flow rate of one-half gallon per minute; and
- b. May include a FOOD preparation sink for the purpose of washing product if an additional 20 gallons of potable water is available for use.

J. Except for the Department, regulatory authorities through delegation in the county where a mobile food vendor's commissary is located shall issue state licensure and statewide inspection standards adopted pursuant to this section.

### **Ariz. Admin. Code §R9-8-118 (2024), Exempt from Requirements and Inspection**

A. Except as provided in subsection (B), this Article applies to any FOOD ESTABLISHMENT.

B. This Article does not apply to the following, which are not subject to routine inspection or other regulatory activities by a REGULATORY AUTHORITY:

1. The beneficial use of wildlife meat authorized in A.R.S. § 17-240 and 12 A.A.C. 4, Article 1;
2. Group homes, as defined in A.R.S. § 36-551;
3. Child care group homes, as defined in A.R.S. § 36-897 and licensed under 9 A.A.C. 3;
4. Residential group care facilities, as defined in A.A.C. R6-5-7401 that have 20 or fewer clients;
5. Assisted living homes, as defined in A.R.S. § 36-401(A) and licensed under 9 A.A.C. 10, Article 8;
6. Adult day health care facilities, as defined in A.R.S. § 36-401(A) and licensed under 9 A.A.C. 10, Article 11, that are authorized by the Department to provide services to 15 or fewer participants;
7. Behavioral health residential facilities, as defined in A.A.C.



R9-10-101 and licensed under 9 A.A.C. 10, Article 7, that are authorized by the Department to provide services to 10 or fewer residents;

8. Hospice inpatient facilities, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 10, Article 6, that are authorized by the Department to provide services for 20 or fewer patients;

9. Substance abuse transitional facilities, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 10, Article 14, that are authorized by the Department to provide services to 10 or fewer participants;

10. Behavioral health respite homes, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 10, Article 16;

11. Adult behavioral health therapeutic homes, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 10, Article 18;

12. FOOD that is:

a. Served at a noncommercial social event, such as a potluck;

b. Prepared at a cooking school if:

i. The cooking school is conducted in the kitchen of an owner-occupied home,

ii. Only one meal per day is prepared and served by students of the cooking school,

iii. The meal prepared at the cooking school is served to not more than 15 students of the cooking school, and

iv. The students of the cooking school are provided with written notice that the FOOD is prepared in a kitchen that is not regulated or inspected by a REGULATORY AUTHORITY;

c. Not time/temperature control for safety food and prepared in a kitchen of a private home for occasional sale or distribution for noncommercial purposes;

d. Prepared or served at an employee-conducted function that lasts less than four hours and is not regularly scheduled, such as an employee recognition, an employee fund-raising, or an employee social event;

e. A demonstration of FOOD preparation or cooking class offered by:

i. A culinary school or educational institution and all FOOD prepared is consumed by attending students;



- ii. A school or business and samples are not offered for human consumption; and
  - iii. A business where an individual provides, prepares, cooks, and consumes their own FOOD.
- f. Offered at a child care facility and limited to commercially pre-packaged FOOD that is not time/temperature control for safety food and whole fruits and vegetables that are washed and cut onsite for immediate consumption; or
- g. Offered at locations that sell only commercially pre-packaged FOOD that is not time/temperature control for safety food;
13. A cottage FOOD product, as defined in A.R.S. § 36-136(Q), prepared for commercial purposes that:
- a. Is not time/temperature control for safety food as defined in A.R.S. § 36-136(I)(4)(g); or
  - b. Is not a FOOD that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation; and
  - c. Is prepared in the kitchen of a home by a food preparer or under the supervision of an individual who:
    - i. Has a certificate of completion from completing a food handler training course from an accredited program;
    - ii. Maintains an active certification of completion; and
    - iii. If a food preparer, is registered with the Department, as required in A.R.S. § 36-136(I)(4)(g) and specified in subsection (D); and
  - d. Is PACKAGED at the home with an attached label that includes:
    - i. The name, and registration number of the food preparer registered with the Department as specified in subsection (D);
    - ii. A list of the ingredients in the cottage FOOD;
    - iii. The date the cottage FOOD was prepared; and
    - iv. The statement: This product was produced in a home kitchen that may process common FOOD allergens and is not subject to public health inspection; and
    - v. If applicable, a statement that the cottage FOOD was prepared in the home kitchen of a



facility for individuals with developmental disabilities.

14. Fruits and vegetables grown in a garden at a public school, as defined in A.R.S. § 15-101, that are washed and cut on-site for immediate consumption.

15. Microbreweries, farm wineries, or craft distilleries licensed by the Department of Liquor Licenses and Control that sell only commercially prepackaged wrapped foods, crackers, or pretzels that are not time or temperature controlled and are served for immediate consumption.

16. Spirituous liquor, as defined in A.R.S. § 4-101, produced on the premises licensed by the Department of Liquor Licenses and Control including the area in which production and manufacturing of spirituous liquor occurs and does not provide, allow, or expose a common use cup, glass, or other receptacle used for drinking purposes without the receptacle being thoroughly cleansed and sanitized between consecutive uses, as specified in A.R.S. § 36-136.

C. A food preparer who meets the requirements in subsection (B)(13) is authorized to prepare cottage FOOD for commercial purpose.

D. To be exempt from the requirements in this Article, a food preparer identified in subsection (C) shall:

1. Complete a food handler training course from an accredited program;

2. Register with the Department by submitting:

a. An application in a Department-provided format that includes:

i. The food preparer's name, address, telephone number, and e-mail address;

ii. If the food preparer is supervised, the supervisor's name, address, telephone number, and e-mail address;

iii. The address, including the county, of the home where the cottage FOOD is prepared;

iv. Whether the home where the cottage FOOD is prepared is a facility for developmentally disabled individuals; and

v. A description of each cottage FOOD prepared for commercial purposes;

b. A copy of the food preparer's certificate of completion for the completed food handler training course;

c. If the food preparer is supervised, the supervisor's certificate of completion for the completed food handler training course; and



d. An attestation in a Department-provided format that the food preparer:

- i. Has reviewed Department-provided information on FOOD safety and safe FOOD handling practices;
- ii. Based on the Department-provided information, believes that the cottage FOOD prepared for commercial purposes is not time/temperature control for safety food or is not a FOOD that requires time or temperature control for safety to limit pathogenic microorganism growth or toxin formation; and
- iii. Includes the food preparer's printed name and date.

3. Maintain an active certification of completion for the completed food handler training course;

4. Renew the registration in subsection (D)(2) every three years;

5. Submit any change to the information or documents provided according to subsection (D)(2)(a) through (c) to the Department within 30 calendar days after the change; and

6. Display the food preparer's certificate of registration when operating as a temporary FOOD ESTABLISHMENT and selling cottage FOOD.

E. Food establishments shall have until January 31, 2022 to comply with the certified food protection manager requirement specified in this Article.

