Permit Exemptions
Regulation 61–25: Retail Food Establishments

There are different situations and types of facilities that are not required to have a DHEC issued permit and do not have to undergo inspections. Most do not require a permit, because they do not involve the preparation of Time/Temperature Control for Safety (TCS) food. Below are some examples of foods that may be sold and processes that may occur without a permit. Please see Regulation 61-25, Citation 8-301.12 (A), for additional information.

**Businesses that Only Serve:**
- Popcorn, cotton candy, or candy apples
- Beverages (examples: soft drinks, tea)
- Nachos with cheese product
- Commercially dehydrated pre-packaged pork skins
- Pre-formed or prepared pretzels
- Coffee based beverages served with pasteurized dairy products
- Beverages prepared upon request from commercially pre-packaged powdered mix without added TCS ingredients and served in a single service cup
- Commercially pre-packaged, pre-cut frozen fries
- Boiled peanuts or boiled/grilled corn
- Shaved ice products, including those served with pasteurized dairy products
- Funnel cakes, mini-donuts, or similar products prepared using a limited operation*

**Home-Based Operations:**
- Prepare only non-TCS food such as cakes, breads, cookies, and candy for direct sale to consumer
- These operations must also comply with Home Based Food Production, SC §44-1-143

**Motels & Hotels:**
- Must prepare only non-TCS breakfast food or serve only pre-packaged food
- Dispense commercially pre-packaged waffle mix from self-service units*

**Bed and Breakfasts:**
- Must have 10 rental rooms or less and a residential kitchen

**Churches and Charitable Organizations:**
- May serve TCS food to members and invited guests
- May sell non-TCS baked goods (cakes, breads, cookies) to members, guests, and the public throughout the year
- Only serve TCS food to the public on premises 12 times a year or less

**Soup Kitchens or Food Banks:**
- Food must be free and for persons in need of assistance

**Cooking Schools or Classes:**
- Registered students prepare the food and are the exclusive consumers of the prepared food

**Personal Chefs:**
- Prepare and serve at private residence to owner, occupants, and guests

**Vending Machines or Convenience Stores:**
- Sell only commercially pre-packaged food from a food processing plant

**Other Operations:**
- Operate out of the individual's dwelling, preparing non-TCS food with a low risk food process such as the following:
  - Jams, jellies, preserves, and dried fruits
  - Dry herbs, seasonings, and mixtures
  - Vinegar and flavored vinegars

*Product (batter) must NOT be held out of temperature more than four (4) hours; leftover portions of these products must be discarded at the end of service.