

Permit Exemptions

Regulation 61–25: Retail Food Establishments



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There are a number of different situations and types of facilities that are not required to have a DHEC issued permit and do not have to undergo inspections.

Many of these do not require a permit because they do not involve the preparation of Time/Temperature Control for Safety (TCS) food. Please see the TCS Food Fact Sheet or Regulation 61-25 Citation 8-301.12 (A) for additional information.

Numbers in parenthesis refer to specific subsections of 8-301.12(A).

Businesses that Only Serve:

- » Popcorn, cotton candy or candy apples (19a)
- » Shaved ice products (19b)
- » Coffee based beverages served with pasteurized dairy products (20a)
- » General beverages (19c)
- » Beverages prepared upon request from commercially pre-packaged powdered mix, prepared without a blender and served in single service cup (20b)
- » Nachos with cheese product (19d)
- » Commercially dehydrated pre-packaged pork skins (19e)
- » Pre-formed or prepared pretzels (19f)
- » Commercially pre-packaged, pre-cut frozen fries (20c)
- » Boiled peanuts or boiled/grilled corn (20d,e)
- » Shaved ice products served with pasteurized milk (20f)

Vending Machines or Convenience Stores:

- » Sell only commercially pre-packaged food (22)

Motels & Hotels:

- » Must prepare only non-TCS breakfast food or serve only pre-packaged food (15)

Cooking Schools or Classes:

- » Only registered students that prepared the food are consuming it (17)

Residential Kitchens:

- » Preparing only non-TCS food such as cakes, breads, cookies, and candy for direct sale to consumer (12)
- » These operations must also comply with Home Based Food Production SC §44-1-143

Churches and other Charitable Organizations have 3 exemption options:

1. Only serving food to members and invited guests (1)
2. Only serving food to the public on premises 12 times a year or less (2) SC § 44-1-300
3. Food is only non-TCS baked goods (cakes, breads, cookies) (11)

Soup Kitchens or Food Banks:

- » Food must be free and for people in need of assistance (3)

Bed & Breakfasts:

- » Must have 10 rental rooms or less (4)

Boarding Houses, Hunt Lodges, and Outdoor-Adventure Tours:

- » Must provide room and board, and restrict food service to residents or participants only (13,14)

Personal Chefs:

- » Food can only be prepared and served at private residence to owner, occupants and guests (18)