



COOPERATIVE EXTENSION
College of Agriculture, Forestry and Life Sciences

THE SOUTH CAROLINA HOME BASED FOOD PRODUCTION LAW

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Home-Based Food Production Law

- Signed into law in 2013
 - South Carolina Code of Laws 44-1-143
- Home-based Food Production Operation
 - “an individual, operating out of the individual’s dwelling, who prepares, packages, stores, and distributes non-potentially hazardous foods for sale directly to a person.”
- Non-potentially hazardous foods
 - Non-potentially hazardous baked goods and candy



How to Qualify

- No retail permit is required
- Produce qualified foods in a home kitchen
- Only sell direct to the consumer



Foods Covered Under the Law

Candy

- Contains sugar as main ingredient
- Low water activity and does not require refrigeration for safety
- Candy coated nuts
- Candy coated dried fruits
- Candy coated popcorn
- Cotton candy
- Candy apples
- Popcorn balls
- Chocolate-covered high-acid uncooked fruits such as strawberries and cherries

Baked Goods

- Yeast breads
- Rolls
- Biscuits
- Baked cookies
- Baked granola
- Baked cakes
- Baked high-acid fruit pies (apple, cherry, strawberry, etc.) if product testing results classify as NPH



Food NOT Covered by the Law

- Canned or pickled vegetables
- Meat, poultry, fish or shellfish products
- Heat treated plant foods
- Raw seed sprouts
- Cut fruits or vegetables
- Cooked vegetables
- Garlic and oil mixtures
- Vacuum sealed foods



- Pumpkin pie
- Sweet potato pie
- Cheesecake
- Custard pie
- Cream pie
- Pastries with potentially hazardous toppings or fillings
- Quick Breads
- Tempered or molded chocolate
- Dried spices and herbs



Special Allowances under SC Reg. 61-25

- SC Reg. 61-25 section 8-301.12(A)(12) – No retail food establishment permit required.
 - Standard jams, jellies and preserves made from high-acid fruits (fruit, sugar and pectin only)
 - Dried fruits
 - Dry herbs, seasonings, and mixtures
 - Vinegar and flavored vinegars
 - Fudge

These foods are not covered under the Home-based Food Production Law





FOODS RECENTLY & FREQUENTLY ASKED ABOUT

Foods Acceptable under the HBFPL

- Hot chocolate bombs
- Gummy candy
- Chocolate covered roasted coffee beans
- Chocolate covered peanut butter
- Chocolate mints



Foods Acceptable under under
SC Reg. 61-25 section 8-301.12(A)(12)
No retail food establishment permit required.



- Roasted coffee beans
(whole or ground)
- Brewed coffee

Product Testing & Commercial Kitchen Required

- Pecan pie
- Nut bread
- Sticky buns
- Sweet rolls
- Chocolate covered caramel
- Fruit tart
- Cream cheese frosting



Permit Required

- Fresh Salsa
- Hot Sauce
- Tempered chocolate



Other

- Herbs – Fresh cut or potted – unprocessed produce does not require a permit (FSMA – Produce Safety Rule will apply for large (>\$25,000) operations)
- Baked dog biscuits and treats – SCDA, Animal Feed program
- Butter (plain and flavored) – SC DHEC Dairy



Questions?

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