



# Are you interested in selling food out of your home?

**Q: I want to sell food made in my home, but I can't afford to buy or build a commercial kitchen. I just want to make some extra money.**

**A:** State law requires that most food sold to the public come from either a Retail Food Establishment or a registered Wholesale Food Manufacturer. Neither of these laws/regulations allows for a home kitchen to be permitted or licensed.

However, a Retail Food Establishment may be located at a private dwelling (home) if it is a separate kitchen from the one used by the people living there and it meets the requirement of SCDA Regulation 61-25, Retail Food Establishments.

There are also exceptions to the requirement for retail food sales.

The Home-based Food Production Law, also commonly referred to as the “Cottage Law” allows for certain foods that do not require time or temperature control to be sold without inspection or a permit. These foods are referred to as “non-potentially hazardous foods” and are also called “non-time/temperature control for food safety foods” (non-TCS) foods. These are generally baked goods (without cream fillings), candies, cookies, and most breads. The foods must be made and packaged in the home kitchen and labeled according to the law to show that they were made in an uninspected kitchen. See the Home-based Food Production Law guide for the full details on foods that can and can't be sold under this exemption.

*More information →*



## Q: What other exemptions are there?

**A:** The following foods are exempted from requiring a Retail Food Establishment permit due to being either non-TCS or using a low-risk process.

- Popcorn, cotton candy, candy apples
- Shaved ice/snow cones including snow cones or shaved ice served with pasteurized cold milk or cream from a non-reusable container
- Prepared soft drinks
- Beverages, including lemonade and tea
- Coffee or coffee-based beverages served with pasteurized milk or cream prepared and served either heated or cold
- Beverages individually prepared upon consumer's request from a commercially pre-packaged powdered mix with no additional ingredients that are TCS, and served in a single service cup
- Nachos served with heated cheese product
- Commercially dehydrated pre-packaged pork skins
- Pre-formed or prepared pretzels that require baking or warming only
- Jams, jellies, preserves, and dried fruits
- Dry herbs, seasonings, and mixtures
- Vinegar and flavored vinegars
- Commercially pre-packaged, pre-cut frozen french fries
- Salt-boiled peanuts
- Boiled or grilled corn
- Waffle or pancake mix that is commercially pre-packaged and dispensed from self-serve units for service not to exceed four (4) hours in duration. Leftover portions of these products shall be discarded at the end of service
- Funnel cakes, mini-donuts, or similar type products prepared from a single unit having no more than three fryers. Mixed batters shall not be held out of temperature more than four (4) hours. Leftover portions of these products shall be discarded at the end of service
- Other SCDA-approved non-TCS foods that use a low-risk food process



## Q: What if I want to sell meals or foods that are “potentially hazardous” or TCS? How can I do this on a budget?

**A:** If you can't afford to build or rent a commercial kitchen, you do have another option. SCDA Regulation 61-25 explains how you can obtain a permit and “share” kitchen time and space at a permitted Retail Food Establishment. These specially designated commercial kitchens are operated by a person who rents time and space in the establishment and allows for you to have a permit using their kitchen. The requirements for getting a permit under this section of the regulation is covered in Chapter 9-5, “Shared Use Kitchens.”

For more information, see the SCDA Retail Food Safety page at [agriculture.sc.gov](http://agriculture.sc.gov)



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