Agency Name: Department of Agriculture

Statutory Authority: 39-25-180

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House Committee: Agriculture, Natural Resources and Environmental Affairs Committee

Senate Committee: Agriculture and Natural Resources Committee

Status: Withdrawn

Subject: Food and Cosmetics

History: 4154

By Date Action Description Jt. Res. No. Expiration Date

- 10/22/2010 Proposed Reg Published in SR

- 01/11/2011 Received by Lt. Gov & Speaker 05/11/2011

H 01/12/2011 Referred to Committee

S 01/13/2011 Referred to Committee

H 01/20/2011 Recall from Committee on Medical, Military,

 Public and Municipal Affairs

H 01/20/2011 Referred to Committee

S 02/23/2011 Resolution Introduced to Approve 606

H 03/01/2011 Committee Requested Withdrawal

 120 Day Period Tolled

- 03/07/2011 Permanently Withdrawn

Document No. 4154

**DEPARTMENT OF AGRICULTURE**

CHAPTER 5

Statutory Authority: 1976 Code Section 39-25-180

Article 6, 5-270 through 5-373. Food and Cosmetics

**Synopsis**:

The Department of Agriculture proposes these amendments to clarify and to provide a more efficient process for regulating and ensuring properly labeled and inspected food products manufactured in South Carolina, as authorized by S.C. Code of Laws, Title 39, Chapter 25. The proposed regulations will be amended to properly reflect adoption of certain Federal regulations. Additionally, the Department seeks to clarify the regulation of raw honey products.

A Notice of Drafting was published in the *State Register* on June 25, 2010.

**Instructions**:

The following new sections of Regulation 5-270 through 5-373 are added as provided below. All other items and sections remain unchanged.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

5-273. Facility Registration Certificate

 A. Every facility under the jurisdiction of the SCDA where food is manufactured and/or processed, stored, distributed in South Carolina must register with the Department, listing all types of products to be manufactured and/or processed, stored or distributed at the facility. This includes facilities that are used during non-business hours and that may also be approved by another regulatory agency for use in serving, processing or packaging food products.

 B. The firm will be issued a registration certificate, verifying food is from an approved source.

 C. The registration certificate must be obtained prior to any sale of food products from said facility.

 D. This registration certificate is to be posted in a conspicuous place at the place of business at all times. If multiple locations, then a wallet registration certificate will be issued (this is for vendors at markets, distributors, etc.).

 E. SCDA may revoke the registration certificate if deemed necessary to protect the health, safety and well being of the consumer. Revocation of said registration certificate will result in the immediate prohibition of the facility including manufacturing and or processing, operation, sales, transportation, storage, and distribution.

5-274. Honey

 A. Honey and honey products are subject to all labeling requirements of this Chapter, as well as all provisions of Section 39-25-10 et al. This includes honey sold to persons or other entities for resale (i.e. to other retail/business locations, manufacturers, restaurants, bakeries, coffee houses, etc.) including any honey sold which is intended to be used as a food ingredient or additive. Honey used as an ingredient or sold to other retail outlets for retail/resale must be processed in an inspected and registered food processing facility in accordance with these regulations regardless of the amount of overall honey produced by the beekeeper.

 B. Beekeepers who produce fewer than 150 gallons of honey annually and who only sell directly to the end consumer are exempt from inspections and regulations requiring honey to be processed, extracted and bottled in a certified food processing establishment, or from being required to obtain a registration verification permit (RVP) from the Department. However, **labels are required on all containers of honey** that are sold in South Carolina.

5-323. Records.

 A. Records of the results of any tests or analysis required pursuant to the S.C. Food & Cosmetic Act or the Federal Food & Cosmetic Act, including HAACP, Acidified/LACF Processing Schedules, and Processing Authority’s evaluation and requirements, shall be maintained by a food processing facility and made available to the Department for inspection for not less than three years from the date when the results were reported from the laboratory.

**Fiscal Impact Statement:**

No additional state funding is requested to implement these proposed amendments to these regulations.

**Statement of Rationale:**

The South Carolina Food & Cosmetic Act expressly contemplates consumer protection through the implementation of food manufacturing, labeling and storage standards to ensure high quality and safe food products in South Carolina. These proposed amendments are based upon the recent adoption of Federal regulations through statutory amendment. These regulations will help to clarify the requirements for in-state compliance with federal standards related to food safety and sanitation practices, as well as streamlining the registration process for traceback and accountability of the food manufacturing and food distribution industry in South Carolina.