**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3214**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J. Moore and Leber

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Introduced in the House on January 10, 2023

Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: Residential Food Production Operations

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/8/2022 House Prefiled

12/8/2022 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs**

1/10/2023 House Introduced and read first time ([House Journal‑page 96](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 96](h:\hj\20230110.docx))

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**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3214_20221208.docx)

A bill

to amend the South Carolina Code of Laws by adding Section 44-1-144 so as to AUTHORIZE RESIDENTIAL FOOD PRODUCTION OPERATIONS IN WHICH FOOD IS PREPARED IN A PRIVATE RESIDENCE AND SERVED TO CUSTOMERS TO BE EATEN WITHIN THE RESIDENCE; TO EXEMPT RESIDENTIAL FOOD PRODUCTION OPERATIONS FROM REGULATION AS A RETAIL FOOD ESTABLISHMENT BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO ESTABLISH CERTAIN REQUIREMENTS APPLICABLE TO RESIDENTIAL FOOD PRODUCTION OPERATIONS; AND FOR OTHER PURPOSES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 44 of the S.C. Code is amended by adding:

Section 44‑1‑144. (A) For purposes of this section:

(1) “Residential food production operation” means a private residence where food is handled, prepared, and stored to be served to customers within the residence, and that meets specified requirements of this section.

(2) “Food” means products intended for human consumption including, but not limited to, meats, vegetables, dairy, and grains.

(3) “Private residence” or “residence” means a home or other dwelling, including an apartment or other leased space, where individuals reside.

(B) A residential food production operation is not a retail food establishment under the laws of this State and is not subject to regulation by the department pursuant to Regulation 61.25.

(C) The operator of a residential food production operation must take all reasonable steps to protect food intended for sale from contamination while handling, preparing, storing, and serving the food including, but not limited to:

(1) maintaining direct supervision of any person, other than the operator, engaged in the handling, preparing, and storing of food intended to be served to customers within the residence;

(2) prohibiting all animals, including pets, from entering the area in the residence in which the residential food production operation is located, while food is being handled or prepared, and prohibiting these animals from having access to or coming in contact with stored food and food being served to customers;

(3) prohibiting all domestic activities in the kitchen while the residential food production operation is handling and preparing food, and when the residential food production operation is serving food to customers;

(4) prohibiting any person who is infected with a communicable disease that can be transmitted by food, who is a carrier of organisms that can cause a communicable disease that can be transmitted by food, who has an infected wound, or who has an acute respiratory infection from preparing or handling food intended for sale to customers; and

(5) ensuring that all people engaged in handling, preparing, or serving of food sold by the residential food production operation are knowledgeable of and follow safe food handling practices.

(D) Each residential food production operation shall maintain a clean and sanitary facility in which to handle, prepare, store, and serve food, which includes the following:

(1) department approved water supply;

(2) a separate storage place for ingredients used in foods intended for sale;

(3) a properly functioning refrigeration unit;

(4) adequate facilities, including a sink with an adequate hot water supply to meet the demand for the cleaning and sanitization of all utensils and equipment;

(5) adequate facilities for the storage of utensils and equipment;

(6) adequate hand washing facilities separate from the utensil and equipment cleaning facilities;

(7) a properly functioning toilet facility;

(8) no evidence of insect or rodent activity; and

(9) department approved sewage disposal, either onsite treatment or publicly provided.

(E) A residential food production operation must post a conspicuous statement printed in all capital letters and in a color that provides a clear contrast to the background that reads: “PREPARED BY A RESIDENTIAL FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA’S FOOD SAFETY REGULATIONS.”

(F)(1) A residential food production operation only may sell, or offer to sell, food directly to a person to be consumed within the residence. The operator of a residential food production operation must be the owner or lessee of the private residence in which the residential food production operation is located.

(2) The maximum customer occupancy of a private residence in which a residential food production operation is located is twelve customers at any given time.

(G)(1) A residential food production operation may not charge a customer more than fifty dollars for a meal before gratuity.

(2) A residential food production operation that generates more than thirty thousand dollars in verifiable gross annual sales is not considered a residential food production operation for purposes of this section.

SECTION 2. This act takes effect upon approval by the Governor.

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