

Permit Exemptions

Even though permits are not required for the scenarios below, it is important to follow safe food handling practices like washing your hands, maintaining proper food temperatures, and storing food in a safe place.

Food Service operations that do not require permits:

Note: Items 1-11 are excerpted from the Arizona Revised Statutes (A.R.S.) Title 36-136.

1. Served at a non-commercial social event such as a potluck.
2. Prepared at a cooking school that is conducted in an owner-occupied home.
3. Not potentially hazardous (time/temperature control for safety (TCS)) and prepared in a kitchen of a private home for sale or distribution for noncommercial purposes.
4. Prepared or served at an employee-conducted function that lasts less than four hours and is not regularly scheduled, such as an employee recognition, an employee fundraising or an employee social event.
5. Offered at a childcare facility and limited to commercially prepackaged food that is not potentially hazardous (non-TCS) and whole fruits and vegetables that are washed and cut on-site for immediate consumption.
6. Offered at locations that sell only commercially prepackaged food or drink that is not potentially hazardous (TCS).
7. A cottage food product that is prepared in a kitchen of a private home for commercial purposes, consistent with chapter 8, article 2 of this title. Note: Please contact the Arizona Department of Health Services with any questions on the Cottage Food Program at ADHS - Cottage Food Program - Home.
8. A whole fruit or vegetable grown in a public-school garden that is washed and cut on-site for immediate consumption.
9. Produce in a packing or holding facility that is subject to the United States Food and Drug Administration produce safety rule (21 Code of Federal Regulations part 112) as administered by the Arizona Department of Agriculture pursuant to title 3, chapter 3, article 4.1. For the purposes of this subdivision, "holding", "packing," and "produce" have the same meanings prescribed in A.R.S. section 3-525.
10. Spirituous liquor produced on the premises licensed by the Department of Liquor Licenses and Control. This exemption includes both of the following:
11. The area in which production and manufacturing of spirituous liquor occurs, as defined in an active basic permit on file with the United States Alcohol and Tobacco Tax and Trade Bureau.
12. The area licensed by the Department of Liquor Licenses and Control as a microbrewery, farm winery or craft distiller that is open to the public and serves spirituous liquor and commercially prepackaged food, crackers or pretzels for consumption on the premises. A producer of spirituous liquor may not provide, allow or expose for common use any cup, glass or other receptacle used for drinking purposes. For the purposes of this item, "common use" means the use of a drinking receptacle for drinking purposes by or for more than one person without the receptacle being thoroughly cleansed and sanitized between consecutive uses by methods



prescribed by or acceptable to the Department. Note: If providing TCS food/beverages, a permit will be required by the Department.

13. Spirituous liquor produced by a producer that is licensed by the Department of Liquor Licenses and Control or spirituous liquor imported and sold by wholesalers that is licensed by the Department of Liquor Licenses and Control. This exemption includes all commercially prepackaged spirituous liquor and all spirituous liquor poured at a licensed special event, festival or fair in this state. Note: If providing TCS food/beverages, a permit will be required by the Department.
14. The producers of food products in their natural state on agricultural lands, farms and gardens and in compliance with Arizona Revised Statutes Title 3, Chapter 3, Article 7. Food Products include: Every product of the soil in its natural or manufactured state; beef and beef products; swine and pork products; fowls and poultry products; eggs and egg products; milk and milk products, and lamb and sheep products.
15. A produce stand that only offers whole, uncut fresh fruits and vegetables.
16. Promotional sampling of commercially pre-packaged food or drinks that are non-TCS foods.
17. A home cooking school in which food and/or meals are served at a non-commercial social event, employee conducted functions or prepared at a home cooking school. No more than one meal per day shall be served to no more than fifteen students. The students shall be informed by a statement contained in a published advertisement, mailed brochure and placard posted at the cooking school's registration that the food is prepared in a kitchen that is not regulated and inspected by the Department or by a local health authority.
18. Demonstration culinary cooking schools and home economics classes accredited by the appropriate entity such as an educational institution and all food is prepared and consumed by the student in training. Food may not be purchased by the school or stored on premises.
19. A school or business that demonstrates the preparation of food but does not offer samples to the public for consumption.
20. A demonstration cooking class in which the public purchases, prepares and/or cooks and consumes their food.
21. A "Chef for Hire" at a private residence for a private, non-advertised event where fees are paid by the responsible party for this service. Fees cannot be collected from the attendees of the event A kitchen in a private home if only food that is not time/temperature control for safety food, is prepared for sale or service at a function such as a religious or charitable organization's bake sale if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority.
22. A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the regulatory authority.
23. A private home that receives catered or home-delivered food.



Permitting FAQs

Are food permits required for private events?

If the food is provided by members of an organization/group and served to the members of the organization/group, no permits are required. This is similar to a potluck and corresponds to exemption #1 above.

What are permitting requirements for competition food events, tasting events or promotional events where food is either given away or where the booths have no point of sales at the individual service areas?

- If the product being sampled is non-time/temperature control for safety foods, no permit is required (see #14 above).
- If the products being sampled are time/temperature control for safety foods, permits are required.
- The coordinator of the event is responsible for obtaining permits and ensuring all tasting booths are properly equipped and set up before workers handle open foods/beverages.

What does time/temperature control for safety (TCS) food mean?

Time/temperature control for safety food means any food (or beverage) item that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.

Some examples of TCS foods are:

- Meat, Poultry, Fish
- Shellfish and Crustaceans
- Eggs
- Milk and dairy products
- Heat-treated plant food (cooked rice, beans, or vegetables)
- Raw seed sprouts
- Tofu and soy protein foods
- Untreated garlic and oil mixtures
- Cut tomatoes, cut leafy greens, cut melons, raw seed sprouts
- Custards, puddings, cakes with custard fillings, meringues, cheesecakes, pumpkin, cream or custard pies and other desserts containing ingredients of animal origin, should be assumed to be potentially hazardous

