

Guidelines for Food Service Not Requiring a VDH Food Permit

In 2021, the Virginia Department of Health (VDH) updated the Food Regulations (12VAC5-421). Any previous guidance regarding snack foods is no longer valid because they do not align with the current requirements for a food establishment. Businesses that provide snacks to patrons should be aware of requirements for time/temperature control for safety (TCS) foods. **The serving of TCS foods requires a food permit.**

A **TCS** food is any food that must be kept at the right time and temperature to stop harmful germs or toxins from growing.

Examples of **TCS** foods include:

- Dairy products such as milk, yogurt, and cheese
- Deli meats
- Cut leafy greens, sliced tomatoes, and cut melons (cantaloupe, honey dew, watermelon)
- Cooked pasta, rice, and beans
- Cooked meat and vegetables
- Shell Eggs

Per the Food Regulations (<https://law.lis.virginia.gov/admincode/title12/agency5/chapter421/section10/> 12VAC5-421-10. **Definitions.**) a "Food establishment" does not include an establishment that offers only prepackaged food that is not

time/temperature control for safety food. A VDH food permit is not required to serve **shelf stable (non-TCS) commercially prepared and individually packaged** foods. Some examples include:

- Crackers
- Pretzels
- Granola bars
- Muffins
- Juice boxes
- Fruit cups
- Shelf stable ultra heat treated (UHT) milk



Other options for food service without a VDH food permit include:

- Ready-to-eat meals, packed by parents or caregivers, that do not need to be kept cold, heated, and does not require assistance from staff to consume.
- **Individually packaged** lunches received from VDH-permitted food establishments that are served right after they are delivered and require no additional handling or assistance from staff.

Buying bulk foods that will be dispensed by staff requires a VDH food permit. For example, a big bag of pretzels cannot be opened and dispensed to individuals on a napkin or plate. If you do not know if you need a VDH food permit for food service, [contact your local health department](#) or email foodsafety@vdh.virginia.gov.



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