



*VIRGINIA DEPARTMENT
OF AGRICULTURE AND
CONSUMER SERVICES*

Food Safety Program
PO Box 1163
Richmond, VA 23218
804-786-3520

FoodSafety@vdacs.virginia.gov

EXEMPTION FROM INSPECTION AND PAYMENT OF AN ANNUAL FEE

The 2004 Virginia General Assembly enacted legislation that provides an exemption from inspection by and payment of an annual fee to the Virginia Department of Agriculture and Consumer Services.

THIS EXEMPTION IS LIMITED TO RETAIL FOOD ESTABLISHMENTS THAT MEET ALL OF THE FOLLOWING CRITERIA:

- (a) **Sell only food or beverages that are sealed in packaging by the manufacturer and come from an approved/inspected source;**
- (b) **Do not prepare or serve food;**
- (c) **Do not offer beverage service (i.e. coffee pot, fountain drink machine);**
- (d) **Do not sell infant formula;**
- (e) **Do not sell ingestible Industrial Hemp Extract products;**
- (f) **Do not sell salvaged foods;**
- (g) **Do not sell unwrapped produce;**
- (h) **Do not sell store packaged ice;**
- (i) **Do not offer self-service of unwrapped foods (i.e. donut cases, bulk nuts, pickles);**
- (j) **Do not sell food or beverages to other businesses for resale (wholesale); and**
- (k) **Certify to the Virginia Department of Agriculture and Consumer Services that they meet the foregoing criteria.**

Please note that firms qualifying for the exemption are still obligated to comply with the Virginia Food and Drink Law (<https://law.lis.virginia.gov/vacode/title3.2/chapter51/>) and Retail Food Establishment Regulations (<https://law.lis.virginia.gov/admincode/title2/agency5/chapter585/>). Nothing in this language shall prevent the Virginia Department of Agriculture and Consumer Services from inspecting any retail establishment if a consumer complaint is received or if an investigation is warranted.

If you believe your establishment qualifies for this exemption, please complete the following certification and return it to our office using the address or email address above. The form can also be emailed to foodsafety@vdacs.virginia.gov.

Establishment Name

Address

City, State, Zip Code

Phone

Email

I certify that my retail food establishment meets all the outlined criteria as stated above.

I further certify that I understand it is my responsibility to contact the Virginia Department of Agriculture and Consumer Services if any of these exemption criteria change and I no longer qualify for this exemption.

Owner Name

Date