

COTTAGE FOOD LAW REPORT

New Castle County

Delaware · Wilmington · FIPS 10003 · Population 570,567 ·
Crosodo Index #1753*

STATE BASELINE

16 Del. Admin. Code 4458A

STATE TIER

Good

ANNUAL SALES CAP (STATE)

—

CONFIDENCE

MEDIUM

LAST VERIFIED

2026-05-05

IMPORTANT — NOT LEGAL ADVICE

This report compiles publicly-available statutes, regulations, and county zoning rules into a research reference. It is **not legal advice** and is provided **without warranty** as to accuracy, completeness, or current applicability.

Cottage food law changes frequently. Counties may amend zoning, health departments may issue new permits, and state legislatures may update statutes after the publication date shown above.

Always verify rules directly with your state department of health/agriculture and your county health and planning offices before relying on them for any business or regulatory decision. Consult a licensed attorney for advice specific to your situation.

DELAWARE: NEW CASTLE COUNTY

CROSODO INDEX #1753* · FIPS 10003 · Wilmington

New Castle County

Population 570,567 · State baseline: 16 Del. Admin. Code 4458A · **MEDIUM**

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (Specific approved foods only (breads, cakes, cookies, pies, pastries, candy, jams, jellies, fruit preserves). Kitchen must pass pre-operational inspection by Delaware DHSS. Food safety training course (8 hours, ~\$175) required. \$30 annual registration fee. Direct sales only.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific state cottage food pet restriction; kitchen must pass inspection for sanitation

HOME OCCUPATION PERMIT?

Conditional (Delaware state cottage food law does not explicitly address home occupation permits. New Castle County may have home occupation zoning requirements. Producers should check with New Castle County Land Use or local municipality (City of Wilmington, other municipalities) for home occupation permit requirements before beginning operations.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

Yes (Pre-operational inspection required before registration issued. Ongoing complaint-based inspections possible.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Specific approved foods only (breads, cakes, cookies, pies, pastries, candy, jams, jellies, fruit preserves). Kitchen must pass pre-operational inspection by Delaware DHSS. Food safety training course (8 hours, ~\$175) required. \$30 annual registration fee. Direct sales only.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	No specific state cottage food pet restriction; kitchen must pass inspection for sanitation
WATER SUPPLY	Municipal or private supply; inspected as part of pre-operational inspection
HANDWASHING	Required per kitchen inspection standards
FOOD STORAGE	Standard home kitchen storage for approved non-PHF foods

Inspection & permitting

INSPECTION REQUIRED	Yes — Pre-operational inspection required before registration issued. Ongoing complaint-based inspections possible.
HOME OCCUPATION PERMIT	Conditional — Delaware state cottage food law does not explicitly address home occupation permits. New Castle County may have home occupation zoning requirements. Producers should check with New Castle County Land Use or local municipality (City of Wilmington, other municipalities) for home occupation permit requirements before beginning operations.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct sales to consumers only within Delaware. Online sales allowed. No retail store sales. No annual sales cap (removed December 2023). No wholesale.
MAX EMPLOYEES IN HOME	Not specified in state law

Relevant county code

16 Del. Admin. Code 4458A (Cottage Food Regulations). Local: New Castle County zoning codes.

RESEARCH NOTES

Delaware is a Good-tier state. 16 Del. Admin. Code 4458A last amended December 2023 (removed \$25,000 sales cap, removed home address from label requirement). Narrow approved foods list (baked goods, candy, jams/jellies, fruit preserves). Pre-operational inspection required. 8-hour food safety training at ~\$175. \$30 annual fee. Direct sales only within Delaware. Home address no longer required on labels (registration number used instead). New Castle County-specific zoning/home occupation permit requirements not confirmed from direct source. Confidence medium.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.nccde.org>

<https://www.dhss.delaware.gov/dhss/dph/hsp/cottagefood.html>

<https://ij.org/issues/economic-liberty/homemade-food-seller/delaware/>

Questions? Join the Crosodo Forum to discuss your county's specific zoning rules at <https://crosodo.com/nb/delaware/new-castle-county-discuss>

State context — Delaware cottage food law

New Castle County’s rules sit on top of Delaware’s state cottage food framework. The state law sets the floor — counties can add but cannot remove protections.

STATUTE 16 Del. Admin. Code 4458A	ANNUAL SALES CAP —
REGISTRATION REQUIRED Yes	FOOD HANDLER CERT Yes (specific course)
KITCHEN INSPECTION Yes	DIRECT SALES ONLY Yes
INDIRECT SALES No — Delaware prohibits sales at restaurants, retail stores, and online; only direct in-person sales at home, farmers markets, and events are permitted.	

For the full state-level analysis including the verbatim statute text, see the [Delaware cottage food law report](#).

STATE-LEVEL REFERENCES

State statute: <https://delcode.delaware.gov/title16/c001/index.html>

State dept cottage food page: <https://www.dhss.delaware.gov/dhss/dph/hsp/cottagefood.html>

Forrager.com: <https://forrager.com/law/delaware/>

Questions?

Join the Crosodo Forum to discuss New Castle County's specific zoning rules, permits, and what other home bakers are seeing locally.

<https://crosodo.com/nb/delaware/new-castle-county-discuss>
