

COTTAGE FOOD LAW REPORT

Sussex County

Delaware · Georgetown · FIPS 10005 · Population 240,668 ·
Crosodo Index #1822*

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: SUSSEX COUNTY

CROSODO INDEX #1822* · FIPS 10005 · Georgetown

Sussex County

Population 240,668 · State baseline: 16 Del. Admin. Code 4458A · MEDIUM

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (Limited food list: specific baked goods (breads, cakes, cookies, pies, pastries), candy, jams, jellies, and fruit preserves. Pre-operational home kitchen inspection required. 8-hour food safety training required (~\$175). \$30 annual fee. Direct sales only. No sales cap (removed December 2023 amendment). Home address not required on label (December 2023 amendment).)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

Not specified; home kitchen must pass pre-operational inspection

HOME OCCUPATION PERMIT?

Conditional (Sussex County may require home occupation permit under local zoning. Sussex County has unincorporated areas. Check with Sussex County Community Development and Planning.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

Yes (Pre-operational inspection required before registration issued; health authority may inspect for complaints)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Limited food list: specific baked goods (breads, cakes, cookies, pies, pastries), candy, jams, jellies, and fruit preserves. Pre-operational home kitchen inspection required. 8-hour food safety training required (~\$175). \$30 annual fee. Direct sales only. No sales cap (removed December 2023 amendment). Home address not required on label (December 2023 amendment).
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	Not specified; home kitchen must pass pre-operational inspection
WATER SUPPLY	Potable water supply; private well testing required
HANDWASHING	8-hour food safety training required before operating
FOOD STORAGE	Non-TCS; very limited approved food list (mostly baked goods, candy, jams/jellies)

Inspection & permitting

INSPECTION REQUIRED	Yes — Pre-operational inspection required before registration issued; health authority may inspect for complaints
HOME OCCUPATION PERMIT	Conditional — Sussex County may require home occupation permit under local zoning. Sussex County has unincorporated areas. Check with Sussex County Community Development and Planning.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct sales only to consumers; no wholesale, no retail store sales, no consignment. No out-of-state sales.
MAX EMPLOYEES IN HOME	Not specified in state rules

Relevant county code

16 Del. Admin. Code 4458A; Sussex County zoning

RESEARCH NOTES

Sussex County DE follows Delaware state baseline (16 Del. Admin. Code 4458A). Delaware has one of the nation's more restrictive programs — very limited food list, pre-operational inspection, 8-hour training requirement. December 2023 amendment removed sales cap and home address labeling requirement. No Sussex County-specific cottage food ordinance found. Confidence medium — state law confirmed but no specific Sussex County .gov cottage food source retrieved.

SOURCES VERIFIED AT RESEARCH TIME

<https://sussexcountyde.gov>

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

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

Bordering counties — cottage food law

Regulation	Sussex County	Kent County	Wicomico County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	Not specified; home kitchen must pass pre-operational inspection	DPH may assess home kitchen during inspection; pets likely would be required away from food prep areas.	No specific state pet restriction, but standard sanitation applies.
INSPECTION REQUIRED	Yes	Yes	Upon-complaint
ON-SITE CUSTOMER PICKUP	Yes	Conditional	Yes
ON-SITE SIGNAGE	Conditional	No	Conditional
DELIVERY / PICKUP	Direct sales only to consumers; no wholesale, no retail store sales, no consignment. No out-of-state sales.	Direct sales at home, farmers markets, and similar venues. Home address may be replaced with department-issued ID number on labels since De...	Direct-to-consumer and some indirect sales permitted. Retail store sales require free optional registration and food handler cert. Online s...
HOME OCCUPATION PERMIT	Conditional	Yes	Conditional
LOCAL BUSINESS LICENSE	Varies	Yes	Varies
RESTRICTIONS	Limited food list: specific baked goods (breads, cakes, cookies, pies, pastries), candy, jams, jellies, and fruit preserves. Pre-operationa...	Registration required with Delaware Division of Public Health (DPH). Initial on-site inspection required before registration. 8-hour food s...	Maryland residential kitchen permit allows non-PHF baked goods, non-PHF candy, acid-fruit jellies/jams/preserves/ butters, dry goods (spice ...
FOOD STORAGE	Non-TCS; very limited approved food list (mostly baked goods, candy, jams/ jellies)	Products stored in clean, sanitary conditions; assessed during inspection.	Non-PHF foods only. Prohibited: refrigerated baked goods, low-acid canned foods, acidified foods/pickled products (pickles, salsa, pepper j...
POPULATION	240,668	182,400	103,815

State context — Delaware cottage food law

Sussex 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	ANNUAL SALES CAP
16 Del. Admin. Code 4458A	—
REGISTRATION REQUIRED	FOOD HANDLER CERT
Yes	Yes (specific course)
KITCHEN INSPECTION	DIRECT SALES ONLY
Yes	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 Sussex County's specific zoning rules, permits, and what other home bakers are seeing locally.

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

Classifieds

Resources for cottage food & home bakers · crosodo.com/advertise

NATIONAL

SUPPLIES

Advertise here — Supplies

Reach home bakers across the country. crosodo.com/advertise

COURSES

Advertise here — Courses

Reach home bakers across the country. crosodo.com/advertise

INSURANCE

Advertise here — Insurance

Reach home bakers across the country. crosodo.com/advertise

LOCAL

Advertise here

Reach home bakers in Sussex County, Delaware. Supply stores, farmers markets, kitchen rentals, and bakery services welcome.

crosodo.com/advertise

Your business here

Local cottage food listings, kitchen rentals, co-packer referrals, and community events — post yours free on the Crosodo Forum.

crosodo.com/nb/delaware/sussex-county-discuss

Free ad space available

Let us know if you're a non-profit or community organization. Farmers markets, kitchen rentals, and cottage food events near you welcome.

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