

COTTAGE FOOD LAW REPORT

# Ben Hill County

Georgia · Fitzgerald · FIPS 13017 · Population 16,945 ·  
Crosodo Index #2256\*

STATE BASELINE

O.C.G.A. §26-2-470 et seq. (eff. July 2025); prior: GA R&R 40-7-19

STATE TIER

Okay

ANNUAL SALES CAP (STATE)

—

CONFIDENCE

MEDIUM

LAST VERIFIED

2026-05-06

**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.

GEORGIA: BEN HILL COUNTY

CROSODO INDEX #2256\* · FIPS 13017 · Fitzgerald

# Ben Hill County

Population 16,945 · State baseline: O.C.G.A. §26-2-470 et seq. (eff. July 2025); prior: GA R&R 40-7-19 ·

**MEDIUM**

### QUICK VIEW FOR BAKERS IN THIS COUNTY

**HOME KITCHEN ALLOWED?**

Yes (Must be produced in operator’s primary domestic residence home kitchen only. Secondary homes, vacation homes, or motor homes do not qualify. Only non-potentially hazardous foods permitted.)

**SEPARATE KITCHEN REQUIRED?**

No

**PETS ALLOWED?**

Not specified in state law; products must not be contaminated

**HOME OCCUPATION PERMIT?**

Conditional (Georgia state law does not preempt local zoning. Cottage food operators must check with Ben Hill County and the City of Fitzgerald to determine if a home-based business is allowed in their zoning district and whether a home occupation permit is required.)

**ON-SITE / PORCH PICKUP?**

Yes

**INSPECTION REQUIRED?**

Upon-complaint (Complaint-based only under HB 398 (eff. July 2025). GDA may enter premises upon complaint or public health emergency.)

### Home kitchen rules

<b>HOME KITCHEN ALLOWED</b>	Yes — Must be produced in operator’s primary domestic residence home kitchen only. Secondary homes, vacation homes, or motor homes do not qualify. Only non-potentially hazardous foods permitted.
<b>SEPARATE DEDICATED KITCHEN</b>	No
<b>PET RESTRICTIONS</b>	Not specified in state law; products must not be contaminated
<b>WATER SUPPLY</b>	Potable water required; annual coliform testing required if using a private well
<b>HANDWASHING</b>	Standard sanitation practices required; ANSI-accredited food safety training required
<b>FOOD STORAGE</b>	Ingredients and finished products must be stored appropriately in the domestic residence

### Inspection & permitting

<b>INSPECTION REQUIRED</b>	Upon-complaint — Complaint-based only under HB 398 (eff. July 2025). GDA may enter premises upon complaint or public health emergency.
<b>HOME OCCUPATION PERMIT</b>	Conditional — Georgia state law does not preempt local zoning. Cottage food operators must check with Ben Hill County and the City of Fitzgerald to determine if a home-based business is allowed in their zoning district and whether a home occupation permit is required.
<b>LOCAL BUSINESS LICENSE</b>	Varies

### Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Under HB 398 (eff. July 2025): direct-to-consumer sales, online sales, sales to retail stores, restaurants, and interstate sales are all permitted. Events and farmers markets permitted.
MAX EMPLOYEES IN HOME	Unknown

### Relevant county code

O.C.G.A. §26-2-470 et seq.; local zoning must be checked independently

#### RESEARCH NOTES

Ben Hill County is a small rural south Georgia county. No county-specific cottage food ordinance variations found. Defaulted to GA state baseline (post-HB 398) with medium confidence.

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#### SOURCES VERIFIED AT RESEARCH TIME

<https://dph.georgia.gov/ben-hill-county>

<https://agr.georgia.gov/cottage-food>

<https://rules.sos.ga.gov/gac/40-7-19>

**Questions?** Join the Crosodo Forum to discuss your county’s specific zoning rules at <https://crosodo.com/nb/georgia/ben-hill-county-discuss>

## Bordering counties — cottage food law

Regulation	Ben Hill County	Coffee County	Irwin County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	Not specified in state law; products must not be contaminated	Not specified in state law; products must not be contaminated	No specific state prohibition, but pets should be excluded from food prep areas per good manufacturing practices.
INSPECTION REQUIRED	Upon-complaint	Upon-complaint	Upon-complaint
ON-SITE CUSTOMER PICKUP	Yes	Yes	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Under HB 398 (eff. July 2025): direct-to-consumer sales, online sales, sales to retail stores, restaurants, and interstate sales are all pe...	Under HB 398 (eff. July 2025): direct-to-consumer sales, online sales, sales to retail stores, restaurants, and interstate sales are all pe...	Under HB 398, sales permitted via wholesale, retail, online, and direct. Delivery allowed. No geographic sales restriction within Georgia; ...
HOME OCCUPATION PERMIT	Conditional	Conditional	Varies
LOCAL BUSINESS LICENSE	Varies	Varies	Yes
RESTRICTIONS	Must be produced in operator's primary domestic residence home kitchen only. Secondary homes, vacation homes, or motor homes do not qualify...	Must be produced in operator's primary domestic residence home kitchen only. Secondary homes, vacation homes, or motor homes do not qualify...	Georgia HB 398 (eff. July 1, 2025) dramatically expanded cottage food rules. No license or fee required. Complaint-based inspections only. ...
FOOD STORAGE	Ingredients and finished products must be stored appropriately in the domestic residence	Ingredients and finished products must be stored appropriately in the domestic residence	All cottage food products must be stored to prevent contamination; non-TCS foods only.
POPULATION	17,169	43,056	9,487

## State context — Georgia cottage food law

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

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<p><b>STATUTE</b> O.C.G.A. §26-2-470 et seq. (eff. July 2025); prior: GA R&amp;R 40-7-19</p>	<p><b>ANNUAL SALES CAP</b> —</p>
<p><b>REGISTRATION REQUIRED</b> No</p>	<p><b>FOOD HANDLER CERT</b> Yes (specific course)</p>
<p><b>KITCHEN INSPECTION</b> Upon-complaint</p>	<p><b>DIRECT SALES ONLY</b> No</p>
<p><b>INDIRECT SALES</b> Yes — As of July 1, 2025 (HB 398), Georgia allows wholesale, online, retail store, restaurant, and mail-order sales; third-party sellers must display cottage food products separately and label the section as products from residential kitchens exempt from state inspection.</p>	

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

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### STATE-LEVEL REFERENCES

State statute: <https://law.justia.com/codes/georgia/2020/title-26/chapter-2/>

State dept cottage food page: <https://agr.georgia.gov/cottage-food-program>

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

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## Questions?

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

<https://crosodo.com/nb/georgia/ben-hill-county-discuss>

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