

COTTAGE FOOD LAW REPORT

# Gilmer County

Georgia · Ellijay · FIPS 13123 · Population 33,327 · Crosodo Index #2739\*

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: GILMER COUNTY

CROSODO INDEX #2739\* · FIPS 13123 · Ellijay

# Gilmer County

Population 33,327 · 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 (Georgia HB 398 (eff. July 1, 2025) dramatically expanded cottage food rules. No license or fee required. Complaint-based inspections only. Interstate sales now allowed. Wholesale, retail, online, and restaurant sales permitted. Food handler certification (specific course) required. Must label 'NOT MADE IN A STATE-INSPECTED FACILITY.' Under HB 398, counties may opt out of allowing third-party vendor sales but cannot otherwise directly regulate cottage food operators.)

**SEPARATE KITCHEN REQUIRED?**

No

**PETS ALLOWED?**

No specific state prohibition, but pets should be excluded from food prep areas per good manufacturing practices.

**HOME OCCUPATION PERMIT?**

Varies (No county-specific cottage food overlay found. Gilmer County may require a business license for commercial activity. Home occupation rules vary by zoning district under Gilmer County's zoning ordinance. Ellijay is a known cottage food and apple orchard market hub; local event permitting may apply for farmers market sales.)

**ON-SITE / PORCH PICKUP?**

Yes

**INSPECTION REQUIRED?**

Upon-complaint (GDA may inspect upon consumer complaint or reported foodborne illness.)

## Home kitchen rules

<b>HOME KITCHEN ALLOWED</b>	Yes — Georgia HB 398 (eff. July 1, 2025) dramatically expanded cottage food rules. No license or fee required. Complaint-based inspections only. Interstate sales now allowed. Wholesale, retail, online, and restaurant sales permitted. Food handler certification (specific course) required. Must label 'NOT MADE IN A STATE-INSPECTED FACILITY.' Under HB 398, counties may opt out of allowing third-party vendor sales but cannot otherwise directly regulate cottage food operators.
<b>SEPARATE DEDICATED KITCHEN</b>	No
<b>PET RESTRICTIONS</b>	No specific state prohibition, but pets should be excluded from food prep areas per good manufacturing practices.
<b>WATER SUPPLY</b>	Private water supply (well) requires annual coliform bacteria testing per state rules.
<b>HANDWASHING</b>	Adequate handwashing required per GDA cottage food guidelines.
<b>FOOD STORAGE</b>	All cottage food products must be stored to prevent contamination; non-TCS foods only.

## Inspection & permitting

<b>INSPECTION REQUIRED</b>	Upon-complaint — GDA may inspect upon consumer complaint or reported foodborne illness.
<b>HOME OCCUPATION PERMIT</b>	Varies — No county-specific cottage food overlay found. Gilmer County may require a business license for commercial activity. Home occupation rules vary by zoning district under Gilmer County's zoning ordinance. Ellijay is a known cottage food and apple orchard market hub; local event permitting may apply for farmers market sales.
<b>LOCAL BUSINESS LICENSE</b>	Yes

### Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Under HB 398, sales permitted via wholesale, retail, online, and direct. Delivery allowed. No geographic sales restriction within Georgia; interstate sales now permitted.
MAX EMPLOYEES IN HOME	Not specified by state law; local home occupation rules may limit non-resident employees.

### Relevant county code

Gilmer County Zoning Ordinance (home occupation provisions); Gilmer County Code of Ordinances

#### RESEARCH NOTES

Pattern county — no county-specific cottage food rules found. State baseline (GA HB 398, eff. July 1, 2025) governs. Georgia’s 2025 law significantly expanded cottage food rights. Under HB 398, cities/ counties may opt out of third-party vendor sales via ordinance but cannot impose broader cottage food regulations. Gilmer County (Ellijay) is a mountain tourism county known for apple production and agritourism; event-specific or market-specific permitting from the City of Ellijay or Gilmer County may apply for vendors at local markets. No county-specific cottage food ordinance identified in research.

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#### SOURCES VERIFIED AT RESEARCH TIME

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

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

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

## State context — Georgia cottage food law

Gilmer 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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<b>STATUTE</b> O.C.G.A. §26-2-470 et seq. (eff. July 2025); prior: GA R&R 40-7-19	<b>ANNUAL SALES CAP</b> —
<b>REGISTRATION REQUIRED</b> No	<b>FOOD HANDLER CERT</b> Yes (specific course)
<b>KITCHEN INSPECTION</b> Upon-complaint	<b>DIRECT SALES ONLY</b> No
<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.	

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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 Gilmer County's specific zoning rules, permits, and what other home bakers are seeing locally.

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

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