

COTTAGE FOOD LAW REPORT

Jay County

Indiana · Portland · FIPS 18075 · Population 20,436 ·
Crosodo Index #1165*

STATE BASELINE	STATE TIER	ANNUAL SALES CAP (STATE)	CONFIDENCE	LAST VERIFIED
Ind. Code §16-42-5.3	Great	—	MEDIUM	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.

INDIANA: JAY COUNTY

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Jay County

Population 20,436 · State baseline: Ind. Code §16-42-5.3 · **MEDIUM**

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (Must prepare food in the individual’s primary residential home kitchen (or permanent structure on the same property). Only non-TCS (non-time/temperature control for safety) foods allowed. Whole eggs, traditional pickles (not oxygen-sealed), and whole chickens/rabbits raised by the vendor also allowed with restrictions.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

Not specified in state statute; proper sanitary procedures and good hygienic practices required.

HOME OCCUPATION PERMIT?

Conditional (State law (IC 16-42-5.3 Sec. 12) expressly prohibits local governments from requiring licensure, certification, or inspection of home-based vendor (HBV) food operations. However, local zoning ordinances for home-based businesses may still apply. Jay County zoning should be verified directly with the county for any home occupation requirements unrelated to food safety.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

Upon-complaint (State statute (IC 16-42-5.3 Sec. 12) expressly prohibits local governments from requiring inspection; state department of health may investigate upon complaint or foodborne illness report.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Must prepare food in the individual’s primary residential home kitchen (or permanent structure on the same property). Only non-TCS (non-time/temperature control for safety) foods allowed. Whole eggs, traditional pickles (not oxygen-sealed), and whole chickens/rabbits raised by the vendor also allowed with restrictions.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	Not specified in state statute; proper sanitary procedures and good hygienic practices required.
WATER SUPPLY	Potable water required; public water supply typical for residential use.
HANDWASHING	Proper handwashing required per IC 16-42-5.3 sanitary procedures.
FOOD STORAGE	Must use proper sanitary procedures; containers and packaging must be sanitized before use.

Inspection & permitting

INSPECTION REQUIRED	Upon-complaint — State statute (IC 16-42-5.3 Sec. 12) expressly prohibits local governments from requiring inspection; state department of health may investigate upon complaint or foodborne illness report.
HOME OCCUPATION PERMIT	Conditional — State law (IC 16-42-5.3 Sec. 12) expressly prohibits local governments from requiring licensure, certification, or inspection of home-based vendor (HBV) food operations. However, local zoning ordinances for home-based businesses may still apply. Jay County zoning should be verified directly with the county for any home occupation requirements unrelated to food safety.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Products may be sold in-person, by telephone, or via the internet, and delivered to the end consumer in person, by mail, or by third-party carrier. All sales and shipments must remain within Indiana. No sales to warehouses, retail food establishments, or wholesalers; all sales must be direct-to-consumer.
MAX EMPLOYEES IN HOME	Not specified in state cottage food statute; operation must be conducted at the vendor's primary residence. Local zoning may apply.

Relevant county code

No Jay County-specific cottage food ordinance found; state law preempts local food safety regulation of HBVs. Consult Jay County zoning ordinance for home occupation rules.

RESEARCH NOTES

State law (IC 16-42-5.3, enacted 2022 HEA 1149) explicitly preempts local governments from requiring licensure or inspection of home-based vendors (HBVs). ANSI-accredited food handler certificate required; must be provided to local health department. Indiana HBV Handbook 2025 confirms local zoning ordinances unrelated to food safety may still apply. Note: Indiana HB 1424 signed March 12, 2026 (effective July 1, 2026) further expands HBV rules to allow prepared foods, certain meat products, produce, natural sweeteners, baked goods, fruit spreads, and candy — changes not yet in effect as of research date. No Jay County-specific cottage food ordinance found. Defaulting to state baseline.

SOURCES VERIFIED AT RESEARCH TIME

[https://www.in.gov/health/food-protection/home-based-vendor-\(cottage-foods\)/](https://www.in.gov/health/food-protection/home-based-vendor-(cottage-foods)/)

<https://www.in.gov/health/food-protection/files/Indiana-Home-Based-Vendor-Handbook-2.pdf>

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

State context — Indiana cottage food law

Jay County's rules sit on top of Indiana's state cottage food framework. The state law sets the floor — counties can add but cannot remove protections.

STATUTE Ind. Code §16-42-5.2	ANNUAL SALES CAP —
REGISTRATION REQUIRED No	FOOD HANDLER CERT Yes (specific course)
KITCHEN INSPECTION Upon-complaint	DIRECT SALES ONLY Yes
INDIRECT SALES No — Sales to restaurants, retail stores, and wholesale are prohibited; producers may sell at events, farmers markets, home, online, and roadside stands only.	

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

STATE-LEVEL REFERENCES

State statute: <http://iga.in.gov/laws/2022/ic/titles/016/articles/042/chapters/005.2>

State dept cottage food page: [https://www.in.gov/health/food-protection/home-based-vendor-\(cottage-foods\)/](https://www.in.gov/health/food-protection/home-based-vendor-(cottage-foods)/)

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

Questions?

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

<https://crosodo.com/nb/indiana/jay-county-discuss>
