

## COTTAGE FOOD LAW REPORT

# Marion County

Indiana · Indianapolis · FIPS 18097 · Population 971,737 ·  
Crosodo Index #1008\*

## STATE BASELINE

Ind. Code §16-42-5.3 (Home Based Vendor, HEA 1149, 2022)

## STATE TIER

Great

## ANNUAL SALES CAP (STATE)

—

## CONFIDENCE

HIGH

## 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.

INDIANA: MARION COUNTY

CROSODO INDEX #1008\* · FIPS 18097 · Indianapolis

# Marion County

Population 971,737 · State baseline: Ind. Code §16-42-5.3 (Home Based Vendor, HEA 1149, 2022) ·

HIGH

### QUICK VIEW FOR BAKERS IN THIS COUNTY

**HOME KITCHEN ALLOWED?**

Yes (Must be vendor’s primary residence. Products must be non-potentially hazardous. All locations of sale must meet Marion County zoning and right-of-way laws. HBVs may not operate simultaneously as a licensed retail food establishment.)

**SEPARATE KITCHEN REQUIRED?**

No

**PETS ALLOWED?**

Animals must be excluded from food preparation areas during production

**HOME OCCUPATION PERMIT?**

Conditional (Sales locations must meet Marion County zoning and right-of-way laws. State law (IC 16-42-5.3) preempts local licensing and permit requirements for the food production itself, but zoning compliance is required. Contact Marion County Planning for home-based business requirements. Indianapolis/Marion County is a consolidated city-county government (Unigov).)

**ON-SITE / PORCH PICKUP?**

Yes

**INSPECTION REQUIRED?**

Upon-complaint (Complaint or suspected foodborne illness. Marion County Public Health Department may investigate. State Department of Health may act if immediate and serious threat.)

### Home kitchen rules

<b>HOME KITCHEN ALLOWED</b>	Yes — Must be vendor’s primary residence. Products must be non-potentially hazardous. All locations of sale must meet Marion County zoning and right-of-way laws. HBVs may not operate simultaneously as a licensed retail food establishment.
<b>SEPARATE DEDICATED KITCHEN</b>	No
<b>PET RESTRICTIONS</b>	Animals must be excluded from food preparation areas during production
<b>WATER SUPPLY</b>	Potable water required; public supply or approved private well
<b>HANDWASHING</b>	Proper handwashing facilities required as per standard HBV sanitation requirements
<b>FOOD STORAGE</b>	Food must be stored safely; products must be in sealed tamper-evident packaging

### Inspection & permitting

<b>INSPECTION REQUIRED</b>	Upon-complaint — Complaint or suspected foodborne illness. Marion County Public Health Department may investigate. State Department of Health may act if immediate and serious threat.
<b>HOME OCCUPATION PERMIT</b>	Conditional — Sales locations must meet Marion County zoning and right-of-way laws. State law (IC 16-42-5.3) preempts local licensing and permit requirements for the food production itself, but zoning compliance is required. Contact Marion County Planning for home-based business requirements. Indianapolis/Marion County is a consolidated city-county government (Unigov).
<b>LOCAL BUSINESS LICENSE</b>	Varies

**Customer-facing rules**

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct-to-consumer sales allowed in person, by phone, or via internet. Delivery by operator, mail, or third-party carrier permitted within Indiana only. No out-of-state sales.
MAX EMPLOYEES IN HOME	Unknown

**Relevant county code**

IC 16-42-5.3 (state preempts local food production regulation); Marion County zoning code governs home-based business operations

**RESEARCH NOTES**

Marion County Public Health Department ([marionhealth.org](http://marionhealth.org)) has a specific HBV registration process: submit menu, labels, and certified food handler certificate. Food handler must be ANSI-accredited. State law IC 16-42-5.3 preempts local licensing/inspection requirements for the food production operation itself. Marion County is Indiana's most populous county and seat of Indianapolis. Zoning compliance remains required even under state preemption. The Marion County Health Department page explicitly states sales must meet 'Marion County, including all incorporated towns in Marion County, zoning and right of way laws.'

**SOURCES VERIFIED AT RESEARCH TIME**

<https://marionhealth.org>

<https://www.indy.gov>

<https://marionhealth.org/wp-content/uploads/2023/06/2023hbv-2.pdf>

<https://www.in.gov/health/food-protection/files/Home-Based-Vendors-FAQ-FINAL.pdf>

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

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

## Bordering counties — cottage food law

Regulation	Marion County	Hamilton County	Hendricks County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	Animals must be excluded from food preparation areas during production	Good sanitation practices required; no specific state pet rule but kitchen cleanliness standards apply	No explicit state restriction; good manufacturing practices apply.
INSPECTION REQUIRED	Upon-complaint	Upon-complaint	Upon-complaint
ON-SITE CUSTOMER PICKUP	Yes	Yes	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Direct-to-consumer sales allowed in person, by phone, or via internet. Delivery by operator, mail, or third-party carrier permitted within ...	In-person, telephone, internet sales allowed; delivery in-person, by mail, or third-party carrier within Indiana only; not for resale	Direct sales from home, farmers markets, online with in-state delivery. No sales cap.
HOME OCCUPATION PERMIT	Conditional	Varies	Conditional
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	Must be vendor's primary residence. Products must be non-potentially hazardous. All locations of sale must meet Marion County zoning and ri...	Food prepared at producer's primary residence only; non-TCS foods only; ANAB-accredited food handler certificate required; label must state...	Non-potentially hazardous foods only. Direct sales only; no wholesale or interstate sales. Food handler certification (ANSI-accredited) req...
FOOD STORAGE	Food must be stored safely; products must be in sealed tamper-evident packaging	Stored in sanitary conditions at residence	Shelf-stable storage for non-PHF products.
POPULATION	971,737	349,527	175,639

## State context — Indiana cottage food law

Marion 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.

---

<b>STATUTE</b> Ind. Code §16-42-5.2	<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> Yes
<b>INDIRECT SALES</b> 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 Marion County's specific zoning rules, permits, and what other home bakers are seeing locally.

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

---