

COTTAGE FOOD LAW REPORT

Henderson County

Kentucky · Henderson · FIPS 21101 · Population 44,175 ·
Crosodo Index #2698*

STATE BASELINE	STATE TIER	ANNUAL SALES CAP (STATE)	CONFIDENCE	LAST VERIFIED
KRS §217.136	Okay	60000	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.

KENTUCKY: HENDERSON COUNTY

CROSODO INDEX #2698* · FIPS 21101 · Henderson

Henderson County

Population 44,175 · State baseline: KRS §217.136 · **MEDIUM****QUICK VIEW FOR BAKERS IN THIS COUNTY****HOME KITCHEN ALLOWED?**

Yes (Kentucky Home-Based Processor (HBP) law (KRS §217.136) allows production and direct sale of non-TCS shelf-stable foods from a primary residence. Annual registration required (\$50/year, form DFS-250). \$60,000 annual gross sales cap. Direct-to-consumer sales only (home, farmers markets, community events, roadside stands, delivery). No kitchen inspection required. No commercial equipment allowed. No domestic activity during food production. Labeling must include processor name/address, product name, ingredients, net weight, date processed, and statement 'This product is home-produced and processed.' (10-point type).)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

Pets and children must be excluded from the kitchen during food production per KRS §217.136 and associated regulations.

HOME OCCUPATION PERMIT?

Varies (Henderson County Zoning Ordinance (Art. II, §2.01) defines Home Occupation as professional offices and personal services only. The ordinance explicitly states: 'The processing of any product shall not qualify as a home occupation' and 'Retail sales of a product on the premises shall be strictly prohibited.' However, Kentucky state law (KRS §217.136) preempts local restrictions on home-based food processing registered under the HBP program. Operators should confirm with Henderson County Planning & Zoning whether the county recognizes state preemption or requires additional local approval. Home occupation limited to 25% of principal building floor area; max 1 non-resident employee; no exterior evidence except 1 unlighted sign ≤4 sq ft.)

ON-SITE / PORCH PICKUP?

No

INSPECTION REQUIRED?

No (Cabinet for Health and Family Services may inspect annually at discretion, or upon complaint/mislabeled report. No routine pre-approval inspection required.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Kentucky Home-Based Processor (HBP) law (KRS §217.136) allows production and direct sale of non-TCS shelf-stable foods from a primary residence. Annual registration required (\$50/year, form DFS-250). \$60,000 annual gross sales cap. Direct-to-consumer sales only (home, farmers markets, community events, roadside stands, delivery). No kitchen inspection required. No commercial equipment allowed. No domestic activity during food production. Labeling must include processor name/address, product name, ingredients, net weight, date processed, and statement 'This product is home-produced and processed.' (10-point type).
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	Pets and children must be excluded from the kitchen during food production per KRS §217.136 and associated regulations.
WATER SUPPLY	No specific water testing requirement under KRS §217.136; standard residential water supply assumed.
HANDWASHING	Standard food safety handwashing practices expected; no specific statutory mandate beyond general food safety. Candy must not be touched with bare hands — gloves or utensils required.
FOOD STORAGE	Non-TCS (non-potentially hazardous), shelf-stable foods only. No commercial refrigerators permitted beyond household limits (up to three standard residential refrigerators allowed). No commercial equipment.

Inspection & permitting

INSPECTION REQUIRED	No — Cabinet for Health and Family Services may inspect annually at discretion, or upon complaint/mislabeled report. No routine pre-approval inspection required.
HOME OCCUPATION PERMIT	Varies — Henderson County Zoning Ordinance (Art. II, §2.01) defines Home Occupation as professional offices and personal services only. The ordinance explicitly states: 'The processing of any product shall not qualify as a home occupation' and 'Retail sales of a product on the premises shall be strictly prohibited.' However, Kentucky state law (KRS §217.136) preempts local restrictions on home-based food processing registered under the HBP program. Operators should confirm with Henderson County Planning & Zoning whether the county recognizes state preemption or requires additional local approval. Home occupation limited to 25% of principal building floor area; max 1 non-resident employee; no exterior evidence except 1 unlighted sign ≤4 sq ft.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	No
ON-SITE SIGNAGE	No
DELIVERY / PICKUP RULES	Direct-to-consumer only. Permitted venues: home (on-premises pickup), farmers markets, certified roadside stands, community events, fairs, festivals, and personal delivery within Kentucky. Online orders allowed if fulfilled by in-state pickup or personal delivery. No wholesale to restaurants or retail stores. No mail/common-carrier shipping.
MAX EMPLOYEES IN HOME	No paid outside employees; family members living in the household may assist. (KRS §217.136 does not authorize hired employees.)

Relevant county code

Henderson County Zoning Ordinance Art. II §2.01 (Home Occupation definition); Art. XXIII §23.02 (RR Rural Residential permitted uses). Note: ordinance excludes product processing from home occupation definition; state HBP preemption may apply under KRS §217.136.

RESEARCH NOTES

Henderson County Zoning Ordinance (eCode360 §27529437; hendersoncountky.gov/DocumentCenter/View/73) explicitly excludes product processing from 'home occupation' definition and prohibits on-premises retail sales. This is more restrictive than the state baseline. However, KRS §217.136 may preempt local restrictions on registered Home-Based Processors. Operators are strongly advised to consult Henderson County Planning & Zoning (hendersoncountky.gov) and confirm whether a conditional use permit or other approval is needed. City of Henderson may have separate municipal ordinances. State HBP registration (\$50/year, form DFS-250) still required regardless of local zoning outcome.

SOURCES VERIFIED AT RESEARCH TIME

<https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=48558>

<https://www.chfs.ky.gov/agencies/dph/dphps/fsb/Pages/cottage-foods.aspx>

<https://ecode360.com/27529437>

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

Bordering counties — cottage food law

Regulation	Henderson County	McLean County	Union County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	Pets and children must be excluded from the kitchen during food production per KRS §217.136 and associated regulations.	Pets and children must be excluded from the kitchen during food production per KRS §217.136 and associated regulations.	Not specified in state law
INSPECTION REQUIRED	No	No	Upon-complaint
ON-SITE CUSTOMER PICKUP	No	Yes	Yes
ON-SITE SIGNAGE	No	Conditional	Conditional
DELIVERY / PICKUP	Direct-to-consumer only. Permitted venues: home (on-premises pickup), farmers markets, certified roadside stands, community events, fairs, ...	Direct-to-consumer only. Permitted venues: home (on-premises pickup), farmers markets, certified roadside stands, community events, fairs, ...	Direct-to-consumer only within KY; farmers markets, roadside stands, fairs, festivals, community events, online orders (in-state); home pic...
HOME OCCUPATION PERMIT	Varies	Varies	Varies
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	Kentucky Home-Based Processor (HBP) law (KRS §217.136) allows production and direct sale of non-TCS shelf-stable foods from a primary resid...	Kentucky Home-Based Processor (HBP) law (KRS §217.136) allows production and direct sale of non-TCS shelf-stable foods from a primary resid...	Annual sales cap \$60,000. Registration required with KY Dept of Public Health (\$50/year). No food handler cert required. Inspection upon co...
FOOD STORAGE	Non-TCS (non-potentially hazardous), shelf-stable foods only. No commercial refrigerators permitted beyond household limits (up to three st...	Non-TCS (non-potentially hazardous), shelf-stable foods only. No commercial refrigerators permitted beyond household limits (up to three st...	Appropriate storage for non-TCS products
POPULATION	44,770	9,173	13,495

State context — Kentucky cottage food law

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

STATUTE KRS §217.137	ANNUAL SALES CAP 60000
REGISTRATION REQUIRED Yes	FOOD HANDLER CERT No
KITCHEN INSPECTION Upon-complaint	DIRECT SALES ONLY Yes
INDIRECT SALES No — Sales limited to direct-to-consumer only within Kentucky — from home (pickup or delivery), markets, roadside stands, community events, and online; shipping outside Kentucky is prohibited, and sales to restaurants or retail stores for resale are not allowed.	

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

STATE-LEVEL REFERENCES

State statute: <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=44478>

State dept cottage food page: <https://www.chfs.ky.gov/agencies/dph/dphps/fsb/Pages/cottage-foods.aspx>

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

Questions?

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

<https://crosodo.com/nb/kentucky/henderson-county-discuss>
