

COTTAGE FOOD LAW REPORT

Magoffin County

Kentucky · Salyersville · FIPS 21153 · Population 11,118 ·
Crosodo Index #2049*

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: MAGOFFIN COUNTY

CROSODO INDEX #2049* · FIPS 21153 · Salyersville

Magoffin County

Population 11,118 · 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 (No county-specific home occupation ordinance identified for Magoffin County. State law requires annual \$50 registration with CHFS Food Safety Branch (form DFS-250) before selling. Operators should contact the Magoffin County planning/zoning office and county judge-executive to confirm whether a local home occupation permit or business license is also required.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (Cabinet for Health and Family Services may inspect annually at discretion, or upon complaint/mislabeling 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/mislabeling report. No routine pre-approval inspection required.
HOME OCCUPATION PERMIT	Varies — No county-specific home occupation ordinance identified for Magoffin County. State law requires annual \$50 registration with CHFS Food Safety Branch (form DFS-250) before selling. Operators should contact the Magoffin County planning/zoning office and county judge-executive to confirm whether a local home occupation permit or business license is also required.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
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

No county-specific cottage food or home occupation ordinance identified for Magoffin County. State law (KRS §217.136) governs. Local zoning may apply — contact county planning office.

RESEARCH NOTES

No county-specific zoning ordinance or cottage food regulation identified for Magoffin County in 1-2 targeted searches. Record defaults to Kentucky state baseline (KRS §217.136). Key state rules: \$60,000 annual sales cap; \$50/year registration fee (form DFS-250) with CHFS Food Safety Branch; no kitchen inspection; direct-to-consumer only; no commercial equipment; pets/children excluded during production. Home-based microprocessor (HBM) pathway (KRS §217.137) available for farmers selling acidified/canned foods with additional UK workshop and recipe-approval requirements. Local zoning requirements for home occupation permits should be verified with county planning office.

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>

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

Bordering counties — cottage food law

Regulation	Magoffin County	Breathitt County	Floyd 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.	No specific pet restriction in state statute, but good manufacturing practices expected.	No specific pet restriction in state statute, but good manufacturing practices expected.
INSPECTION REQUIRED	No	Upon-complaint	Upon-complaint
ON-SITE CUSTOMER PICKUP	Yes	Yes	Yes
ON-SITE SIGNAGE	Conditional	Yes	Yes
DELIVERY / PICKUP	Direct-to-consumer only. Permitted venues: home (on-premises pickup), farmers markets, certified roadside stands, community events, fairs, ...	Direct sales only. Sales at farmers markets, farm stands, events, and home pickup permitted. No wholesale, retail stores, or internet-based...	Direct sales only. Sales at farmers markets, farm stands, events, and home pickup permitted. No wholesale, retail stores, or internet-based...
HOME OCCUPATION PERMIT	Varies	No	No
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 law (KRS §217.136) allows direct-to-consumer sales of non-TCS foods from a home kitchen. Registration with CH...	Kentucky home-based processor law (KRS §217.136) allows direct-to-consumer sales of non-TCS foods from a home kitchen. Registration with CH...
FOOD STORAGE	Non-TCS (non-potentially hazardous), shelf-stable foods only. No commercial refrigerators permitted beyond household limits (up to three st...	Non-TCS shelf-stable foods only. No more than three refrigerators for storage.	Non-TCS shelf-stable foods only. No more than three refrigerators for storage.
POPULATION	11,647	12,630	35,589

State context — Kentucky cottage food law

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

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