

COTTAGE FOOD LAW REPORT

Flathead County

Montana · Kalispell · FIPS 30029 · Population 105,950 ·
Crosodo Index #732*

STATE BASELINE

Mont. Code §50-50-116 and §50-50-117; Mont. Code §§50-49-201 et seq. (Local Food Choice Act)

STATE TIER	ANNUAL SALES CAP (STATE)	CONFIDENCE	LAST VERIFIED
Freedom	—	MEDIUM	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.

MONTANA: FLATHEAD COUNTY

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Flathead County

Population 105,950 · State baseline: Mont. Code §50-50-116 and §50-50-117; Mont. Code §§50-49-201 et seq. (Local Food Choice Act) · **MEDIUM**

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (Montana has two tracks: (1) Standard cottage food (§50-50-116): Non-potentially hazardous foods prepared in domestic residence, local health authority registration required, labeling required, no consignment; (2) Montana Local Food Choice Act (§50-49-201 et seq., 2021): Broad exemption for direct producer-to-consumer transactions including potentially hazardous foods — no licensing, inspection, or labeling required, but producer must inform consumers food is unlicensed/uninspected. No sales cap under either track.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific state restriction for cottage food operations.

HOME OCCUPATION PERMIT?

Conditional (Flathead County may have home occupation zoning requirements in its unincorporated areas. The City of Kalispell has its own zoning regulations. No specific Flathead County cottage food ordinance identified, but operators should verify with Flathead County Planning Department.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

Upon-complaint (Standard cottage food track: complaint-based inspection possible. Local Food Choice Act track: producers not considered 'retail food establishments' — no routine inspections.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Montana has two tracks: (1) Standard cottage food (§50-50-116): Non-potentially hazardous foods prepared in domestic residence, local health authority registration required, labeling required, no consignment; (2) Montana Local Food Choice Act (§50-49-201 et seq., 2021): Broad exemption for direct producer-to-consumer transactions including potentially hazardous foods — no licensing, inspection, or labeling required, but producer must inform consumers food is unlicensed/uninspected. No sales cap under either track.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	No specific state restriction for cottage food operations.
WATER SUPPLY	No specific state requirement for cottage food operations.
HANDWASHING	Standard food safety practices required.
FOOD STORAGE	Standard cottage food: non-potentially hazardous foods only. Local Food Choice Act: allows potentially hazardous foods in direct producer-to-consumer transactions. Meat, poultry, seafood must comply with applicable food safety laws.

Inspection & permitting

INSPECTION REQUIRED	Upon-complaint — Standard cottage food track: complaint-based inspection possible. Local Food Choice Act track: producers not considered 'retail food establishments' — no routine inspections.
HOME OCCUPATION PERMIT	Conditional — Flathead County may have home occupation zoning requirements in its unincorporated areas. The City of Kalispell has its own zoning regulations. No specific Flathead County cottage food ordinance identified, but operators should verify with Flathead County Planning Department.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Standard cottage food: direct-to-consumer sales at farmers markets, events, from home. No consignment. Local Food Choice Act: any direct producer-to-consumer transaction including home pickup, farmers markets, events. No indirect/retail sales without license under MLFCA.
MAX EMPLOYEES IN HOME	Not specified in state statute.

Relevant county code

No specific Flathead County code section identified. State law governs: Mont. Code §50-50-116; §50-49-201 et seq.

RESEARCH NOTES

Flathead County was flagged as 'verified-large' in the input and has county govt and health URLs. Montana has a very permissive two-track cottage food system. The Local Food Choice Act (2021) allows even potentially hazardous foods in direct consumer transactions. Flathead County Health Department URL provided but no specific cottage food override page found. Confidence medium — county health URL exists but no county-specific cottage food rules identified.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.flatheadcounty.gov/health>

<https://www.flathead.mt.gov>

<https://dphhs.mt.gov/publichealth/fcs/foodsafety/cottagefoods>

https://leg.mt.gov/bills/mca/title_0500/chapter_0500/part_0010/section_0160/0500-0500-0010-0160.html

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

State context — Montana cottage food law

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

STATUTE	ANNUAL SALES CAP
Mont. Code §50-50-116 and §50-50-117 (cottage food); Mont. Code §§50-49-201 et seq. (Local Food Choice Act)	—
REGISTRATION REQUIRED	FOOD HANDLER CERT
Yes	No
KITCHEN INSPECTION	DIRECT SALES ONLY
Upon-complaint	Yes
INDIRECT SALES	
No — Consignment sales at retail food establishments or through wholesale establishments are explicitly prohibited under §50-50-116(3). The Montana Local Food Choice Act also requires direct producer-to-informed-end-consumer transactions only; retail locations require a wholesale food license.	

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

STATE-LEVEL REFERENCES

State statute: https://leg.mt.gov/bills/mca/title_0500/chapter_0500/part_0010/section_0160/0500-0500-0010-0160.html

State dept cottage food page: <https://dphhs.mt.gov/publichealth/fcs/foodsafety/cottagefoods>

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

Questions?

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

<https://crosodo.com/nb/montana/flathead-county-discuss>
