

COTTAGE FOOD LAW REPORT

# Madison County

Montana · Virginia City · FIPS 30057 · Population 9,753 ·  
Crosodo Index #760\*

STATE BASELINE

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

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

MONTANA: MADISON COUNTY

CROSODO INDEX #760\* · FIPS 30057 · Virginia City

# Madison County

Population 9,753 · State baseline: Mont. Code §50-50-116 and §50-50-117 (cottage food); Mont. Code §§50-49-201 et seq. (Local Food Choice Act) · **MEDIUM**

### QUICK VIEW FOR BAKERS IN THIS COUNTY

**HOME KITCHEN ALLOWED?**

Yes (Cottage food operations must register with local health authority under Mont. Code §50-50-117. Non-potentially-hazardous foods only under standard cottage food track (§50-50-116). Products sold direct-to-consumer at farmers markets, events, and from home; no consignment/retail/wholesale. The Montana Local Food Choice Act (Mont. Code §§50-49-201 et seq.) provides an additional pathway for direct producer-to-consumer sales of virtually any homemade food without licensing or inspection requirements, provided the sale is in-state and consumers are informed the food is unlicensed and uninspected. No sales cap under either track.)

**SEPARATE KITCHEN REQUIRED?**

No

**PETS ALLOWED?**

Not specified in state cottage food law; individual county health departments may have additional requirements.

**HOME OCCUPATION PERMIT?**

Conditional (No specific Madison County cottage food or home occupation rules found. City of Virginia City may have business license requirements. Recommend verifying with Madison County planning/zoning department.)

**ON-SITE / PORCH PICKUP?**

Yes

**INSPECTION REQUIRED?**

Upon-complaint (No routine inspection under standard cottage food law. Local health authority access may be granted upon complaint. Under MLFCA track, no inspection required.)

### Home kitchen rules

<b>HOME KITCHEN ALLOWED</b>	Yes — Cottage food operations must register with local health authority under Mont. Code §50-50-117. Non-potentially-hazardous foods only under standard cottage food track (§50-50-116). Products sold direct-to-consumer at farmers markets, events, and from home; no consignment/retail/wholesale. The Montana Local Food Choice Act (Mont. Code §§50-49-201 et seq.) provides an additional pathway for direct producer-to-consumer sales of virtually any homemade food without licensing or inspection requirements, provided the sale is in-state and consumers are informed the food is unlicensed and uninspected. No sales cap under either track.
<b>SEPARATE DEDICATED KITCHEN</b>	No
<b>PET RESTRICTIONS</b>	Not specified in state cottage food law; individual county health departments may have additional requirements.
<b>WATER SUPPLY</b>	Not specified in state cottage food law.
<b>HANDWASHING</b>	Standard food safety sanitation practices required; products must comply with applicable food standards.
<b>FOOD STORAGE</b>	Products must be non-potentially hazardous (standard cottage food track) or properly disclosed as unlicensed/uninspected (MLFCA track). Proper storage to prevent contamination required.

### Inspection & permitting

INSPECTION REQUIRED	Upon-complaint — No routine inspection under standard cottage food law. Local health authority access may be granted upon complaint. Under MLFCA track, no inspection required.
HOME OCCUPATION PERMIT	Conditional — No specific Madison County cottage food or home occupation rules found. City of Virginia City may have business license requirements. Recommend verifying with Madison County planning/zoning department.
LOCAL BUSINESS LICENSE	Varies

### Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct-to-consumer sales permitted at farmers markets, events, and from home. Under standard cottage food (§50-50-116), no consignment, retail, or wholesale sales. Under MLFCA, any direct producer-to-consumer in-state transaction is permissible if consumer is informed food is unlicensed/uninspected.
MAX EMPLOYEES IN HOME	Not specified in state cottage food law.

### Relevant county code

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

#### RESEARCH NOTES

No county-specific cottage food or home occupation ordinances found for Madison County. County seat Virginia City is a historic gold-rush era town. Governance follows state law. Recommend verifying with Madison County Planning and local health department for any local registration or business license requirements.

#### SOURCES VERIFIED AT RESEARCH TIME

<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](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/madison-county-discuss>

## Bordering counties — cottage food law

Regulation	Madison County	Beaverhead County	Jefferson County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	Not specified in state cottage food law; individual county health departments may have additional requirements.	Not specified in state cottage food law; individual county health departments may have additional requirements.	Not specified in state cottage food law; individual county health departments may have additional requirements.
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 permitted at farmers markets, events, and from home. Under standard cottage food (§50-50-116), no consignment, ret...	Direct-to-consumer sales permitted at farmers markets, events, and from home. Under standard cottage food (§50-50-116), no consignment, ret...	Direct-to-consumer sales permitted at farmers markets, events, and from home. Under standard cottage food (§50-50-116), no consignment, ret...
HOME OCCUPATION PERMIT	Conditional	Conditional	Conditional
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	Cottage food operations must register with local health authority under Mont. Code §50-50-117. Non-potentially-hazardous foods only under s...	Cottage food operations must register with local health authority under Mont. Code §50-50-117. Non-potentially-hazardous foods only under s...	Cottage food operations must register with local health authority under Mont. Code §50-50-117. Non-potentially-hazardous foods only under s...
FOOD STORAGE	Products must be non-potentially hazardous (standard cottage food track) or properly disclosed as unlicensed/uninspected (MLFCA track). Pro...	Products must be non-potentially hazardous (standard cottage food track) or properly disclosed as unlicensed/uninspected (MLFCA track). Pro...	Products must be non-potentially hazardous (standard cottage food track) or properly disclosed as unlicensed/uninspected (MLFCA track). Pro...
POPULATION	8,742	9,469	12,273

## State context — Montana cottage food law

Madison 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.

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<b>STATUTE</b>	<b>ANNUAL SALES CAP</b>
Mont. Code §50-50-116 and §50-50-117 (cottage food); Mont. Code §§50-49-201 et seq. (Local Food Choice Act)	—
<b>REGISTRATION REQUIRED</b>	<b>FOOD HANDLER CERT</b>
Yes	No
<b>KITCHEN INSPECTION</b>	<b>DIRECT SALES ONLY</b>
Upon-complaint	Yes
<b>INDIRECT SALES</b>	
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.	

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

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### STATE-LEVEL REFERENCES

State statute: [https://leg.mt.gov/bills/mca/title\\_0500/chapter\\_0500/part\\_0010/section\\_0160/0500-0500-0010-0160.html](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/>

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## Questions?

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

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

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