

## COTTAGE FOOD LAW REPORT

# Phillips County

Montana · Malta · FIPS 30071 · Population 3,857 · Crosodo Index #1449\*

## 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: PHILLIPS COUNTY

CROSODO INDEX #1449\* · FIPS 30071 · Malta

## Phillips County

Population 3,857 · 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 (Must produce in primary residence kitchen. Pets must be excluded during production. No routine inspection. One-time \$40 registration fee with local Environmental Health Agency. Direct-to-consumer sales only within Montana. Farmers market sales exempt from registration.)

## SEPARATE KITCHEN REQUIRED?

No

## PETS ALLOWED?

Pets must be excluded from kitchen during production

## HOME OCCUPATION PERMIT?

Varies (Phillips County is a large, sparsely populated agricultural county in north-central Montana. No formal county-level home occupation ordinances found specific to cottage food. The 2021 Montana Local Food Choice Act preempts local restrictions on homemade food sales. Cottage food registration (\$40 one-time fee) administered through local Environmental Health office.)

## ON-SITE / PORCH PICKUP?

Yes

## INSPECTION REQUIRED?

Upon-complaint (Consumer complaint or illness investigation only)

## Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Must produce in primary residence kitchen. Pets must be excluded during production. No routine inspection. One-time \$40 registration fee with local Environmental Health Agency. Direct-to-consumer sales only within Montana. Farmers market sales exempt from registration.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	Pets must be excluded from kitchen during production
WATER SUPPLY	Standard residential water supply
HANDWASHING	Sanitary food preparation operations required
FOOD STORAGE	Products stored appropriately; temporary vehicle storage for transport only

## Inspection &amp; permitting

INSPECTION REQUIRED	Upon-complaint — Consumer complaint or illness investigation only
HOME OCCUPATION PERMIT	Varies — Phillips County is a large, sparsely populated agricultural county in north-central Montana. No formal county-level home occupation ordinances found specific to cottage food. The 2021 Montana Local Food Choice Act preempts local restrictions on homemade food sales. Cottage food registration (\$40 one-time fee) administered through local Environmental Health office.
LOCAL BUSINESS LICENSE	Varies

### Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Face-to-face transaction required. Online advertising allowed but actual sale must be in-person. No third-party delivery services. Producer may deliver directly to purchaser.
MAX EMPLOYEES IN HOME	Not specified

### Relevant county code

Not identified; state law governs

#### RESEARCH NOTES

Montana Freedom-tier state. 2021 Local Food Choice Act preempts local ordinances statewide. No Phillips County-specific cottage food or home occupation ordinances found. State baseline applied.

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#### SOURCES VERIFIED AT RESEARCH TIME

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

<https://dphhs.mt.gov/assets/publichealth/FCS/CottageFood/cottagefoodfrequentlyaskedquestions2024.pdf>

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

## Bordering counties — cottage food law

Regulation	Phillips County	Blaine County	Fergus County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	Pets must be excluded from kitchen during production	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	Face-to-face transaction required. Online advertising allowed but actual sale must be in-person. No third-party delivery services. Producer...	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	Varies	Conditional	Conditional
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	Must produce in primary residence kitchen. Pets must be excluded during production. No routine inspection. One-time \$40 registration fee wi...	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 stored appropriately; temporary vehicle storage for transport only	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	3,857	7,030	11,496

## State context — Montana cottage food law

Phillips 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> Mont. Code §50-50-116 and §50-50-117 (cottage food); Mont. Code §§50-49-201 et seq. (Local Food Choice Act)	<b>ANNUAL SALES CAP</b> —
<b>REGISTRATION REQUIRED</b> Yes	<b>FOOD HANDLER CERT</b> No
<b>KITCHEN INSPECTION</b> Upon-complaint	<b>DIRECT SALES ONLY</b> 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 Phillips County's specific zoning rules, permits, and what other home bakers are seeing locally.

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

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