

COTTAGE FOOD LAW REPORT

Treasure County

Montana · Hysham · FIPS 30103 · Population 718 · Crosodo
Index #1470*

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: TREASURE COUNTY

CROSODO INDEX #1470* · FIPS 30103 · Hysham

Treasure County

Population 718 · 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 (Treasure County is one of Montana’s least populous counties, located in southeastern Montana along the Yellowstone River. No formal county-level home occupation ordinances found. 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 & permitting

INSPECTION REQUIRED	Upon-complaint — Consumer complaint or illness investigation only
HOME OCCUPATION PERMIT	Varies — Treasure County is one of Montana’s least populous counties, located in southeastern Montana along the Yellowstone River. No formal county-level home occupation ordinances found. 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 Treasure County-specific cottage food or home occupation ordinances found. Very sparsely populated county. State baseline applied.

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/treasure-county-discuss>

Bordering counties — cottage food law

Regulation	Treasure County	Big Horn County	Rosebud 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.	Pets must be excluded from kitchen during production
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...	Face-to-face transaction required. Online advertising allowed but actual sale must be in-person. No third-party delivery services. Producer...
HOME OCCUPATION PERMIT	Varies	Conditional	Varies
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...	Must produce in primary residence kitchen. Pets must be excluded during production. No routine inspection. One-time \$40 registration fee wi...
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 stored appropriately; temporary vehicle storage for transport only
POPULATION	718	13,090	8,956

State context — Montana cottage food law

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

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