

COTTAGE FOOD LAW REPORT

Douglas County

Nebraska · Omaha · FIPS 31055 · Population 582,638 ·
Crosodo Index #746*

STATE BASELINE

Neb. Rev. Stat. §81-2,280

STATE TIER

Good

ANNUAL SALES CAP (STATE)

—

CONFIDENCE

MEDIUM

LAST VERIFIED

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.

NEBRASKA: DOUGLAS COUNTY

CROSODO INDEX #746* · FIPS 31055 · Omaha

Douglas County

Population 582,638 · State baseline: Neb. Rev. Stat. §81-2,280 · **MEDIUM**

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (Non-TCS foods only (LB 262 of 2024 expanded allowed foods but still excludes: animal products/byproducts, raw milk/milk products, raw eggs, unpasteurized juice, infused oils/honey, sprouts, low-acid canned/hermetically sealed foods, tofu/tempeh/meat substitutes, kimchi/kombucha). All products must be prepared in private home per LB 262 (2024). Registration with Nebraska Dept of Agriculture required. Accredited food safety course required.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific state cottage food pet restriction; general sanitation standards apply

HOME OCCUPATION PERMIT?

Conditional (Nebraska §81-2,280(8) explicitly preempts local government ordinances regarding food safety and handling that are not in conformance with state law. However, this preemption covers food safety regulations — general home occupation/zoning permits from Douglas County/Omaha may still be required. City of Omaha has home occupation permit requirements under its zoning code. Douglas County (unincorporated areas) may also have home occupation rules. Contact Douglas County Planning or City of Omaha Planning for zoning-specific requirements.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (No routine inspection; Nebraska state law preempts local ordinances for cottage food operations (§81-2,280(8): state provisions supersede and preempt any political subdivision ordinance not in conformance))

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Non-TCS foods only (LB 262 of 2024 expanded allowed foods but still excludes: animal products/byproducts, raw milk/milk products, raw eggs, unpasteurized juice, infused oils/honey, sprouts, low-acid canned/hermetically sealed foods, tofu/tempeh/ meat substitutes, kimchi/kombucha). All products must be prepared in private home per LB 262 (2024). Registration with Nebraska Dept of Agriculture required. Accredited food safety course required.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	No specific state cottage food pet restriction; general sanitation standards apply
WATER SUPPLY	Private well water: must be tested for nitrates and bacteria and results included in registration. Municipal water: no testing required.
HANDWASHING	Required via accredited food safety course compliance
FOOD STORAGE	Standard home kitchen storage; safe handling to prevent adulteration

Inspection & permitting

INSPECTION REQUIRED	No — No routine inspection; Nebraska state law preempts local ordinances for cottage food operations (§81-2,280(8): state provisions supersede and preempt any political subdivision ordinance not in conformance)
HOME OCCUPATION PERMIT	Conditional — Nebraska §81-2,280(8) explicitly preempts local government ordinances regarding food safety and handling that are not in conformance with state law. However, this preemption covers food safety regulations — general home occupation/zoning permits from Douglas County/Omaha may still be required. City of Omaha has home occupation permit requirements under its zoning code. Douglas County (unincorporated areas) may also have home occupation rules. Contact Douglas County Planning or City of Omaha Planning for zoning-specific requirements.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct consumer sales: farmers markets, fairs, festivals, craft shows, other public events, home pickup/delivery. Online/mail order within Nebraska and to states where legal. Non-TCS foods may be delivered via mail/commercial courier. TCS foods must be delivered in person by producer.
MAX EMPLOYEES IN HOME	Not specified in state cottage food law

Relevant county code

Neb. Rev. Stat. §81-2,280 (cottage food preemption clause in subsection 8). Local: City of Omaha Zoning Code home occupation provisions.

RESEARCH NOTES

Nebraska §81-2,280(8) has a strong preemption clause for food safety/handling ordinances. LB 262 (2024) updated the law to expand allowed foods and clarify that all products must be made in private home. State registration required (free, online). Accredited food safety course required. Private well water testing required. No sales cap. Douglas County/Omaha: state preemption covers food safety ordinances but general home occupation/zoning rules from City of Omaha or Douglas County unincorporated zoning may still apply. City of Omaha-specific home occupation permit details not confirmed from direct source. Confidence medium.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.douglascounty-ne.gov>

<https://nda.nebraska.gov/fscf/foods/cottagefood>

<https://cottagefoodlaw.unl.edu/>

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

State context — Nebraska cottage food law

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

STATUTE	ANNUAL SALES CAP
Neb. Rev. Stat. §81-2,280 (producer of food at private home); §81-2,239 et seq. (Nebraska Pure Food Act)	—
REGISTRATION REQUIRED	FOOD HANDLER CERT
Yes	Yes
KITCHEN INSPECTION	DIRECT SALES ONLY
No	Yes
INDIRECT SALES	
No — Sales must be direct-to-consumer. Wholesale to restaurants, grocery stores, or distributors is not permitted under the cottage food framework. Non-TCS foods may be mailed; TCS foods must be delivered in person by the producer within 2 hours.	

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

STATE-LEVEL REFERENCES

State statute: <https://nebraskalegislature.gov/laws/statutes.php?statute=81-2,239.05>

State dept cottage food page: https://nda.nebraska.gov/foods/processed_food/cottage_foods.html

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

Questions?

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

<https://crosodo.com/nb/nebraska/douglas-county-discuss>
