

COTTAGE FOOD LAW REPORT

Elko County

Nevada · Elko · FIPS 32007 · Population 53,600 · Crosodo Index #1680*

STATE BASELINE

NRS §446.866 (repealed 2025); superseded by AB352/chapters 420 & 512, Statutes of Nevada 2025 (cap raised to \$100,000)

STATE TIER	ANNUAL SALES CAP (STATE)	CONFIDENCE	LAST VERIFIED
Okay	35000	HIGH	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.

NEVADA: ELKO COUNTY

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QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (Under pre-2025 law: non-potentially hazardous foods, \$35,000 annual cap, in-person sales only, DPBH registration required (Elko is in DPBH jurisdiction). Under new AB352 (2025): \$100,000 annual cap, acidified foods allowed, internet/phone sales permitted with delivery/mail fulfillment, license required from State Dept. of Agriculture instead of health authority. DPBH handles Elko County registrations under old framework; check new SDA framework status.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific NV state or Elko County restriction; production must be by the individual in private home (groups not permitted).

HOME OCCUPATION PERMIT?

Yes (State registration required with DPBH (Elko County is in DPBH jurisdiction for cottage food). Online registration at nvdpbh.aithent.com. Nevada State Business License also required. A Home Occupation Permit or Special Use Permit may be required for home-based businesses in City of Elko or Elko County — contact City Clerk for requirements and fees. Additional county business license requirements vary; check with county officials.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (No routine inspections; DPBH or SDA may investigate on complaint.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Under pre-2025 law: non-potentially hazardous foods, \$35,000 annual cap, in-person sales only, DPBH registration required (Elko is in DPBH jurisdiction). Under new AB352 (2025): \$100,000 annual cap, acidified foods allowed, internet/phone sales permitted with delivery/mail fulfillment, license required from State Dept. of Agriculture instead of health authority. DPBH handles Elko County registrations under old framework; check new SDA framework status.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	No specific NV state or Elko County restriction; production must be by the individual in private home (groups not permitted).
WATER SUPPLY	No specific requirement; production in private home.
HANDWASHING	Standard sanitation practices required.
FOOD STORAGE	Non-potentially hazardous foods only (under old law). Allowed: nuts/nut mixes, hard candies, candies made with commercial chocolate, jams/jellies/preserves, vinegar (with restrictions), dry herbs, dried fruits, cereals/trail mixes/granola, non-TCS baked goods (no cream/custard/meringue/cream cheese/low-sugar frostings).

Inspection & permitting

INSPECTION REQUIRED	No — No routine inspections; DPBH or SDA may investigate on complaint.
HOME OCCUPATION PERMIT	Yes — State registration required with DPBH (Elko County is in DPBH jurisdiction for cottage food). Online registration at nvdpbh.aithent.com . Nevada State Business License also required. A Home Occupation Permit or Special Use Permit may be required for home-based businesses in City of Elko or Elko County — contact City Clerk for requirements and fees. Additional county business license requirements vary; check with county officials.
LOCAL BUSINESS LICENSE	Yes

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Under old law: in-person sales only at private home, farmers markets, flea markets, swap meets, church bazaars, garage sales, craft fairs. Under AB352 (2025): internet/phone sales with delivery or mail fulfillment permitted. No sales to restaurants, stores, or wholesalers.
MAX EMPLOYEES IN HOME	Groups/organizations not permitted; must be individual producer only.

Relevant county code

NRS §446.866 (pre-2025); AB352/2025 Nevada Statutes; DPBH Cottage Foods Guide for Elko County; Nevada SBDC Elko County Licensing Guide

RESEARCH NOTES

Elko County is specifically named in DPBH cottage food jurisdiction (along with Esmeralda, Humboldt, Lander, Lincoln, Lyon, Nye, Storey, White Pine). State registration required at nvdpbh.aithent.com. Nevada SB 206 (2013) established the original program. NRS 446.866 was repealed by AB352 (2025) which reorganizes cottage food under the State Dept. of Agriculture, raises cap to \$100,000, expands to acidified foods, and allows internet/phone orders. Nevada SBDC confirms Home Occupation Permit or Special Use Permit required for home-based businesses in City of Elko. State Business License required (\$200 annual). County business license requirements vary by city. Good documented sources for both state and county-level requirements.

SOURCES VERIFIED AT RESEARCH TIME

- https://dpbh.nv.gov/reg/cottage/cottage_food_registration_-_home/
- https://dpbh.nv.gov/reg/cottage/cottage_food_registration_-_home/
- <https://www.dpbh.nv.gov/siteassets/regulatory/environmental-health/cottage-food/cottage-foods-guide-2023-branded.pdf>
- <https://nevadasbdc.org/elko-county-licensing-and-permits/>
- https://dpbh.nv.gov/Reg/CottageFood/Cottage_Food_Operations/

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

State context — Nevada cottage food law

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

STATUTE	ANNUAL SALES CAP
NRS §446.866 (repealed 2025; superseded by AB352/chapter 420 & 512, Statutes of Nevada 2025)	35000
REGISTRATION REQUIRED	FOOD HANDLER CERT
Yes	No
KITCHEN INSPECTION	DIRECT SALES ONLY
No	Yes
INDIRECT SALES	
No — Under the pre-2025 law (NRS 446.866), sales must be in-person transactions only — no internet or phone sales. Products may not be sold to wholesalers, brokers, distributors, or retail establishments for resale. AB352 (2025) amends this to allow phone and internet transactions with delivery via mail or food delivery service, but product relinquishment must still occur in Nevada. Local rules vary significantly: Clark County (Las Vegas), Washoe County, Carson City, and Douglas County have separate health authority requirements.	

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

STATE-LEVEL REFERENCES

State statute: <https://www.leg.state.nv.us/nrs/NRS-446.html#NRS446Sec866>

State dept cottage food page: https://dphh.nv.gov/Reg/CottageFood/Cottage_Food_Operations/

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

Questions?

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

<https://crosodo.com/nb/nevada/elko-county-discuss>
