

COTTAGE FOOD LAW REPORT

Foster County

North Dakota · Carrington · FIPS 38031 · Population 3,207 ·
Crosodo Index #202*

STATE BASELINE

N.D. Cent. Code §23-09.5-01 through §23-09.5-02

STATE TIER

Freedom

ANNUAL SALES CAP (STATE)

—

CONFIDENCE

MEDIUM

LAST VERIFIED

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.

NORTH DAKOTA: FOSTER COUNTY

CROSODO INDEX #202* · FIPS 38031 · Carrington

Foster County

Population 3,207 · State baseline: N.D. Cent. Code §23-09.5-01 through §23-09.5-02 · **MEDIUM**

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (No sales cap, no registration, no inspection, no licensing required. Direct sales to informed end consumer only. Products must include consumer advisory: 'This product is made in a home kitchen that is not inspected by the state or local health department.' Sales to food establishments, processing plants, or food stores prohibited.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No state restriction specified.

HOME OCCUPATION PERMIT?

Conditional (ND statute (§23-09.5-02(1)) expressly prohibits state agencies and political subdivisions from requiring licensure, permitting, or certification for cottage food. Foster County is a small rural central ND county. Cottage food is preempted from local permitting requirements.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (State may investigate complaints related to foodborne illness. No routine inspections.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — No sales cap, no registration, no inspection, no licensing required. Direct sales to informed end consumer only. Products must include consumer advisory: 'This product is made in a home kitchen that is not inspected by the state or local health department.' Sales to food establishments, processing plants, or food stores prohibited.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	No state restriction specified.
WATER SUPPLY	No explicit state requirement beyond potable water.
HANDWASHING	No state-mandated specific requirement for cottage food; standard hygiene practices expected.
FOOD STORAGE	No specific state requirement beyond keeping products safe for consumption.

Inspection & permitting

INSPECTION REQUIRED	No — State may investigate complaints related to foodborne illness. No routine inspections.
HOME OCCUPATION PERMIT	Conditional — ND statute (§23-09.5-02(1)) expressly prohibits state agencies and political subdivisions from requiring licensure, permitting, or certification for cottage food. Foster County is a small rural central ND county. Cottage food is preempted from local permitting requirements.
LOCAL BUSINESS LICENSE	No

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Sales may occur at farm, ranch, farmers market, farm stand, home-based kitchen, or any non-prohibited venue, including delivery. Direct producer-to-consumer transactions only.
MAX EMPLOYEES IN HOME	No state restriction specified.

Relevant county code

N.D. Cent. Code §23-09.5-01 through §23-09.5-02

RESEARCH NOTES

ND state law preempts local cottage food permitting. Foster County is a small rural central ND county. No county-specific cottage food rules found. State baseline applies.

SOURCES VERIFIED AT RESEARCH TIME

<https://ndlegis.gov/cencode/t23c09-5.pdf>

<https://www.hhs.nd.gov/health/food-and-lodging/cottage-food>

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

State context — North Dakota cottage food law

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

STATUTE	ANNUAL SALES CAP
N.D. Cent. Code §23-09.5-01 through §23-09.5-02	—
REGISTRATION REQUIRED	FOOD HANDLER CERT
No	No
KITCHEN INSPECTION	DIRECT SALES ONLY
No	Yes
INDIRECT SALES	
No — Transactions must be directly between the cottage food operator and the 'informed end consumer' and solely for home consumption. Products may not be sold or used in any food establishment, food processing plant, or food store. No wholesale channel is permitted.	

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

STATE-LEVEL REFERENCES

State statute: <https://ndlegis.gov/cencode/t23c09-5.pdf>

State dept cottage food page: <https://www.ndhealth.gov/foodlodging/cottagefood/>

Forrager.com: <https://forrager.com/law/north-dakota/>

Questions?

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

<https://crosodo.com/nb/north-dakota/foster-county-discuss>
