

COTTAGE FOOD LAW REPORT

Malheur County

Oregon · Vale · FIPS 41045 · Population 31,313 · Crosodo
Index #711*

STATE BASELINE	STATE TIER	ANNUAL SALES CAP (STATE)	CONFIDENCE	LAST VERIFIED
ORS §616.723	Good	50000	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.

OREGON: MALHEUR COUNTY

CROSODO INDEX #711* · FIPS 41045 · Vale

Malheur County

Population 31,313 · State baseline: ORS §616.723 · **MEDIUM**

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (Residential dwelling allowed. Only non-potentially-hazardous foods permitted. Annual sales cap \$50,000 (CPI-adjusted; \$51,200 in 2025). Cannabis-containing foods excluded. May not sell to institutions (caterers, schools, day care, hospitals, nursing homes, correctional facilities, restaurants). Pets not allowed in food preparation area during production.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

Pets not allowed in food preparation area during food production per ORS 616.723 / ODA rules. Label must note presence of pets in home if applicable.

HOME OCCUPATION PERMIT?

Conditional (Malheur County is a large, rural eastern Oregon county bordering Idaho and Nevada. Home occupations in unincorporated Malheur County subject to county land use ordinances. City of Ontario (larger population center) has its own zoning. Producers should verify home occupation standards with Malheur County Planning Department.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (No routine inspection required. ODA may respond to complaints.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Residential dwelling allowed. Only non-potentially-hazardous foods permitted. Annual sales cap \$50,000 (CPI-adjusted; \$51,200 in 2025). Cannabis-containing foods excluded. May not sell to institutions (caterers, schools, day care, hospitals, nursing homes, correctional facilities, restaurants). Pets not allowed in food preparation area during production.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	Pets not allowed in food preparation area during food production per ORS 616.723 / ODA rules. Label must note presence of pets in home if applicable.
WATER SUPPLY	Potable water supply required.
HANDWASHING	Food handler certification required (ORS 624.570); proper handwashing is part of food handler training.
FOOD STORAGE	Non-potentially-hazardous shelf-stable foods must be stored appropriately. Separate storage for cottage food ingredients, packaging, and labels from household foods required.

Inspection & permitting

INSPECTION REQUIRED	No — No routine inspection required. ODA may respond to complaints.
HOME OCCUPATION PERMIT	Conditional — Malheur County is a large, rural eastern Oregon county bordering Idaho and Nevada. Home occupations in unincorporated Malheur County subject to county land use ordinances. City of Ontario (larger population center) has its own zoning. Producers should verify home occupation standards with Malheur County Planning Department.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct sales to end users permitted from home, online, through the mail, and at events. Sales to retailers permitted under specific conditions with required placard. Cannot sell to institutions.
MAX EMPLOYEES IN HOME	Not specified at county level; state law applies to producer operating from dwelling.

Relevant county code

ORS §616.723; Malheur County Zoning Ordinance

RESEARCH NOTES

Malheur County is in far eastern Oregon. Oregon cottage food law (ORS 616.723, as amended by SB 643, 2023) is the operative framework. Food handler certification required. No county-specific cottage food rules identified. Ontario is the largest city and serves as a regional center; city-level rules would apply within city limits.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.malheurco.org/planning>

<https://www.malheurco.org>

<https://www.oregon.gov/oda/food-safety/fs-licensing/pages/without-license.aspx>

<https://extension.oregonstate.edu/catalog/em-9192-oregons-cottage-food-exemption>

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

State context — Oregon cottage food law

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

STATUTE ORS §616.723	ANNUAL SALES CAP 50000
REGISTRATION REQUIRED Depends	FOOD HANDLER CERT Yes
KITCHEN INSPECTION No	DIRECT SALES ONLY No

INDIRECT SALES
 Limited (see notes) — Direct sales to end users are permitted in any manner including online, mail, and at events. Sales to retailers (including coffee shops but not restaurants) are permitted if the retailer agrees to store/display the foods separately and clearly indicate they are homemade and not prepared in an inspected food establishment. Sales to institutions (restaurants, schools, hospitals, caterers, day care centers, nursing homes, correctional facilities) are prohibited. A Domestic Kitchen Bakery License (~\$50/year) is required for establishments wishing to sell to retailers under licensed status rather than using the residential-dwelling exemption. The department may provide a unique identification number for use on labels. Annual records must be maintained for 3 years.

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

STATE-LEVEL REFERENCES

State statute: https://oregon.public.law/statutes/ors_616.706

State dept cottage food page: <https://www.oregon.gov/oda/programs/foodsafety/pages/dkb-licensing.aspx>

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

Questions?

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

<https://crosodo.com/nb/oregon/malheur-county-discuss>
