

COTTAGE FOOD LAW REPORT

Bennett County

South Dakota · Martin · FIPS 46007 · Population 3,365 ·
Crosodo Index #1279*

STATE BASELINE	STATE TIER	ANNUAL SALES CAP (STATE)	CONFIDENCE	LAST VERIFIED
SDCL §34-18-35	Good	—	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.

SOUTH DAKOTA: BENNETT COUNTY

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Bennett County

Population 3,365 · State baseline: SDCL §34-18-35 · MEDIUM

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (South Dakota allows cottage food from a residential kitchen (SDCL §34-18-35). No registration or inspection required. The 2022 amendment (SL 2022, ch 106) expanded allowed products beyond prior baked-goods-only scope to include non-temperature-controlled foods and home-processed canned goods. Individuals involved in production of certain home-canned goods must complete a state-certified online training once every five years. No annual sales cap. State statute preempts county/municipal ordinances restricting homemade food sales.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific state restriction on pets for cottage food operations.

HOME OCCUPATION PERMIT?

Varies (South Dakota state statute preempts county and municipal ordinances restricting cottage food sales. Bennett County may have general home occupation zoning rules, but these cannot restrict state-authorized cottage food sales. Operators in incorporated cities should verify city zoning ordinances.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (No routine inspection required. SD Dept. of Health may inspect upon complaint.)

Home kitchen rules

HOME KITCHEN ALLOWED

Yes — South Dakota allows cottage food from a residential kitchen (SDCL §34-18-35). No registration or inspection required. The 2022 amendment (SL 2022, ch 106) expanded allowed products beyond prior baked-goods-only scope to include non-temperature-controlled foods and home-processed canned goods. Individuals involved in production of certain home-canned goods must complete a state-certified online training once every five years. No annual sales cap. State statute preempts county/municipal ordinances restricting homemade food sales.

SEPARATE DEDICATED KITCHEN

No

PET RESTRICTIONS

No specific state restriction on pets for cottage food operations.

WATER SUPPLY

No specific requirement under SD cottage food law.

HANDWASHING

Good manufacturing practices apply.

FOOD STORAGE

Non-temperature-controlled foods only. Home-canned goods have specific training and process requirements.

Inspection & permitting

INSPECTION REQUIRED

No — No routine inspection required. SD Dept. of Health may inspect upon complaint.

HOME OCCUPATION PERMIT

Varies — South Dakota state statute preempts county and municipal ordinances restricting cottage food sales. Bennett County may have general home occupation zoning rules, but these cannot restrict state-authorized cottage food sales. Operators in incorporated cities should verify city zoning ordinances.

LOCAL BUSINESS LICENSE

Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct-to-consumer, online, and indirect retail sales allowed. No geographic restriction. State statute preempts local restrictions.
MAX EMPLOYEES IN HOME	Not specified by state law; must be a residential kitchen.

Relevant county code

SDCL §34-18-35, §34-18-36, §34-18-36.1, §34-18-38 (cottage food exemptions and limitations)

RESEARCH NOTES

SD cottage food law (SDCL §34-18-35) governs statewide with preemption of local ordinances. Rural southwest SD county, partly bordering Pine Ridge Reservation. SDCL §34-18-35 governs. SD statute preempts county ordinances. No county-specific cottage food restrictions. County-specific zoning not researched at ordinance level. Confidence medium: state rules well-documented and preemptive; local rules likely do not restrict cottage food but home occupation permit may still apply for zoning compliance.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.bennettcountysd.org>

<https://doh.sd.gov/topics/food-protection/cottage-foods/>

https://sdlegislature.gov/Statutes/Codified_Laws/2050018

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

Bordering counties — cottage food law

Regulation	Bennett County	Jackson County	Mellette County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific state restriction on pets for cottage food operations.	No specific pet restriction in South Dakota cottage food law.	No specific pet restriction in South Dakota cottage food law.
INSPECTION REQUIRED	No	No	No
ON-SITE CUSTOMER PICKUP	Yes	Yes	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Direct-to-consumer, online, and indirect retail sales allowed. No geographic restriction. State statute preempts local restrictions.	Direct and indirect sales both permitted. Allowed channels include home pickup, farmers markets, roadside stands, online sales, in-state sh...	Direct and indirect sales both permitted. Allowed channels include home pickup, farmers markets, roadside stands, online sales, in-state sh...
HOME OCCUPATION PERMIT	Varies	No	No
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	South Dakota allows cottage food from a residential kitchen (SDCL §34-18-35). No registration or inspection required. The 2022 amendment (S...	South Dakota cottage food law (SDCL §34-18-35, expanded by SL 2022 ch 106) exempts non-temperature-controlled foods, home-processed baked g...	South Dakota cottage food law (SDCL §34-18-35, expanded by SL 2022 ch 106) exempts non-temperature-controlled foods, home-processed baked g...
FOOD STORAGE	Non-temperature-controlled foods only. Home-canned goods have specific training and process requirements.	Non-temperature-controlled (shelf-stable) foods only; refrigerated or hot-held foods require standard licensure.	Non-temperature-controlled (shelf-stable) foods only; refrigerated or hot-held foods require standard licensure.
POPULATION	3,365	2,838	1,989

State context — South Dakota cottage food law

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

STATUTE	ANNUAL SALES CAP
SDCL §34-18-35	—
REGISTRATION REQUIRED	FOOD HANDLER CERT
No	Recommended
KITCHEN INSPECTION	DIRECT SALES ONLY
No	No
INDIRECT SALES	
Yes — The statute does not restrict sales to direct-to-consumer channels only. Items are subject to sales tax. Local governments (counties, townships, municipalities) may not pass ordinances restricting, prohibiting, or imposing licensure on homemade food item sales under SDCL §34-18-1 definitions.	

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

STATE-LEVEL REFERENCES

State statute: https://sdlegislature.gov/Statutes/Codified_Laws/2050018

State dept cottage food page: <https://doh.sd.gov/topics/food-protection/cottage-foods/>

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

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

<https://crosodo.com/nb/south-dakota/bennett-county-discuss>

Classifieds

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