

## COTTAGE FOOD LAW REPORT

# Custer County

South Dakota · Custer · FIPS 46033 · Population 9,330 ·  
Crosodo Index #366\*

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: CUSTER COUNTY

CROSODO INDEX #366\* · FIPS 46033 · Custer

## Custer County

Population 9,330 · State baseline: SDCL §34-18-35 · MEDIUM

## QUICK VIEW FOR BAKERS IN THIS COUNTY

## HOME KITCHEN ALLOWED?

Yes (South Dakota cottage food law (SDCL §34-18-35, expanded by SL 2022 ch 106) exempts non-temperature-controlled foods, home-processed baked goods, and canned goods produced at a private residence from licensure. No sales cap. Indirect sales are allowed (farmers markets, online, retail). Sellers of certain home-processed canned goods must complete a state-certified online training (DOH) once every five years. State law preempts any county or municipal ordinance that would restrict these homemade food sales, so Custer County may not impose additional cottage food restrictions beyond state law.)

## SEPARATE KITCHEN REQUIRED?

No

## PETS ALLOWED?

No specific pet restriction in South Dakota cottage food law.

## HOME OCCUPATION PERMIT?

No (No state-level permit or registration required for cottage food production under SDCL §34-18-35. State law preempts county/municipal restrictions. Custer County has no identified separate home occupation permit requirement for cottage food operations compliant with state law. A general business license from Custer or Custer County may be required for any commercial activity, but is not specific to cottage food.)

## ON-SITE / PORCH PICKUP?

Yes

## INSPECTION REQUIRED?

No (No routine inspection required. The SD Department of Health may respond to foodborne illness complaints but does not conduct pre-operational inspections for cottage food producers.)

## Home kitchen rules

HOME KITCHEN ALLOWED	Yes — South Dakota cottage food law (SDCL §34-18-35, expanded by SL 2022 ch 106) exempts non-temperature-controlled foods, home-processed baked goods, and canned goods produced at a private residence from licensure. No sales cap. Indirect sales are allowed (farmers markets, online, retail). Sellers of certain home-processed canned goods must complete a state-certified online training (DOH) once every five years. State law preempts any county or municipal ordinance that would restrict these homemade food sales, so Custer County may not impose additional cottage food restrictions beyond state law.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	No specific pet restriction in South Dakota cottage food law.
WATER SUPPLY	No specific water testing requirement under SDCL §34-18-35.
HANDWASHING	No specific handwashing mandate beyond general food safety practices in state cottage food law.
FOOD STORAGE	Non-temperature-controlled (shelf-stable) foods only; refrigerated or hot-held foods require standard licensure.

### Inspection & permitting

INSPECTION REQUIRED	No — No routine inspection required. The SD Department of Health may respond to foodborne illness complaints but does not conduct pre-operational inspections for cottage food producers.
HOME OCCUPATION PERMIT	No — No state-level permit or registration required for cottage food production under SDCL §34-18-35. State law preempts county/municipal restrictions. Custer County has no identified separate home occupation permit requirement for cottage food operations compliant with state law. A general business license from Custer or Custer County may be required for any commercial activity, but is not specific to cottage food.
LOCAL BUSINESS LICENSE	Varies

### Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct and indirect sales both permitted. Allowed channels include home pickup, farmers markets, roadside stands, online sales, in-state shipping, and retail consignment. No sales cap under state law.
MAX EMPLOYEES IN HOME	Not specified in state statute.

### Relevant county code

No county-specific cottage food ordinance identified for Custer County. State preemption under SDCL §34-18-35 prevents local restriction of qualifying homemade food sales.

#### RESEARCH NOTES

South Dakota state law (SDCL §34-18-35, substantially amended by SL 2022 ch 106) governs cottage food statewide and explicitly preempts county and municipal ordinances from restricting qualifying homemade food sales. Custer County (county seat: Custer) is a rural South Dakota county with no identified county-specific cottage food or home occupation ordinance beyond the state framework. No sales cap. Sellers of home-processed canned goods must complete the DOH-certified online training once every five years (~\$40). Defaulted to state baseline; county-specific search returned no additional restrictions.

#### SOURCES VERIFIED AT RESEARCH TIME

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

[https://sdlegislature.gov/Statutes/Codified\\_Laws/2050018](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/custer-county-discuss>

## Bordering counties — cottage food law

Regulation	Custer County	Fall River County	Pennington County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific pet restriction in South Dakota cottage food law.	No specific pet restriction in South Dakota cottage food law.	No specific state restriction; standard food safety practices apply.
INSPECTION REQUIRED	No	No	No
ON-SITE CUSTOMER PICKUP	Yes	Yes	Yes
ON-SITE SIGNAGE	Conditional	Conditional	No
DELIVERY / PICKUP	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...	South Dakota allows direct and indirect sales (farmers markets, online, home delivery). No sales cap. State preempts local restrictions on ...
HOME OCCUPATION PERMIT	No	No	Conditional
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	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...	South Dakota allows non-temperature-controlled foods, home-processed canned goods, and baked goods from a residence without a license. 2022...
FOOD STORAGE	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.	Non-temperature-controlled foods and home-canned goods. Certain products require Department of Health approval under §34-18-36 and §34-18-3...
POPULATION	8,515	7,079	110,386

## State context — South Dakota cottage food law

Custer 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.

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<b>STATUTE</b> SDCL §34-18-35	<b>ANNUAL SALES CAP</b> —
<b>REGISTRATION REQUIRED</b> No	<b>FOOD HANDLER CERT</b> Recommended
<b>KITCHEN INSPECTION</b> No	<b>DIRECT SALES ONLY</b> No
<b>INDIRECT SALES</b>	
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.	

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

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### STATE-LEVEL REFERENCES

State statute: [https://sdlegislature.gov/Statutes/Codified\\_Laws/2050018](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/>

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## Questions?

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

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

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