

COTTAGE FOOD LAW REPORT

Marshall County

South Dakota · Britton · FIPS 46091 · Population 4,395 ·
Crosodo Index #335*

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.

How to start — 60-second path

Marshall County, South Dakota — permit, pickup, and label steps before the full county rules.

HOME KITCHEN ALLOWED?

Yes

STATE SALES CAP

—

HOME OCCUPATION PERMIT?

No

ON-SITE / PORCH PICKUP?

Yes

INSPECTION

No

PETS

No specific pet restriction in South Dakota cottage food law.

BEFORE YOU SELL FROM THIS ADDRESS

- ☐ **1. Menu** — Confirm each product under South Dakota cottage food rules (county cannot expand a state ban).
- ☐ **2. Pickup & zoning** — Home occupation and porch pickup cells above; HOA/lease may still block customer traffic.
- ☐ **3. Local tax / license** — Business license or sales tax certificate if your city/parish requires it (common even with no state food permit).
- ☐ **4. Training** — Food handler or state registration before market day.
- ☐ **5. Labels** — Disclaimer, allergens, ingredients, net quantity, producer info.
- ☐ **6. Call if unclear** — County health and planning for your exact address.

LABEL FIELDS TO INCLUDE

- ☐ Product name · producer name · address (or allowed alternative)
- ☐ Ingredients by weight · major allergens · net weight/quantity
- ☐ South Dakota home-kitchen disclaimer (see live label one-pager)

CONTINUE ONLINE

[Open the live county page →](#)

[South Dakota label one-pager →](#)

[Local notes & questions →](#)

Planning path only — not legal advice. Rules change. Always verify with state and local offices before selling.

SOUTH DAKOTA: MARSHALL COUNTY

CROSODO INDEX #335* · FIPS 46091 · Britton

Marshall County

Population 4,395 · 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 Marshall 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. Marshall County has no identified separate home occupation permit requirement for cottage food operations compliant with state law. A general business license from Britton or Marshall 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 Marshall 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. Marshall County has no identified separate home occupation permit requirement for cottage food operations compliant with state law. A general business license from Britton or Marshall 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 Marshall 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. Marshall County (county seat: Britton) 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://www.marshallcounty.gov>

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

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

Questions about this county? Local notes and a place to leave a question: crosodo.com/nb/south-dakota/marshall-county-discuss

Bordering counties — cottage food law

Regulation	Marshall County	Brown County	Day 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 state restriction on pets for cottage food operations.	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 and indirect sales both permitted. Allowed channels include home pickup, farmers markets, roadside stands, online sales, in-state sh...	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...
HOME OCCUPATION PERMIT	No	Varies	No
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 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...
FOOD STORAGE	Non-temperature-controlled (shelf-stable) foods only; refrigerated or hot-held foods require standard licensure.	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.
POPULATION	4,363	38,839	5,485

State context — South Dakota cottage food law

Marshall 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** on Crosodo, or open the live guide: crosodo.com/states/south-dakota.

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 about Marshall County? Local notes and a place to leave a question are on Crosodo. We monitor new threads — start with zoning, permits, or porch pickup.

crosodo.com/nb/south-dakota/marshall-county-discuss

Classifieds

Resources for cottage food & home bakers · crosodo.com/advertise

NATIONAL

SUPPLIES

Advertise here — Supplies

Reach home bakers across the country. crosodo.com/advertise

COURSES

Advertise here — Courses

Reach home bakers across the country. crosodo.com/advertise

INSURANCE

Advertise here — Insurance

Reach home bakers across the country. crosodo.com/advertise

LOCAL

Advertise here

Reach home bakers in Marshall County, South Dakota. Supply stores, farmers markets, kitchen rentals, and bakery services welcome.

crosodo.com/advertise

Your business here

Local cottage food listings, kitchen rentals, co-packer referrals, and community events — post yours on Crosodo.

crosodo.com/nb/south-dakota/marshall-county-discuss

Free ad space available

Let us know if you're a non-profit or community organization. Farmers markets, kitchen rentals, and cottage food events near you welcome.

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