

COTTAGE FOOD LAW REPORT

Pennington County

South Dakota · Rapid City · FIPS 46103 · Population 110,386 ·
Crosodo Index #630*

STATE BASELINE

SDCL §34-18-35; §34-18-36; §34-18-36.1 (expanded 2022); no sales cap; no registration required; no inspection; direct and indirect sales; county/municipal ordinances restricting homemade food sales preempted

STATE TIER	ANNUAL SALES CAP (STATE)	CONFIDENCE	LAST VERIFIED
Good	—	HIGH	2026-05-05

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

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

HOME KITCHEN ALLOWED?

Yes

STATE SALES CAP

—

HOME OCCUPATION PERMIT?

Conditional

ON-SITE / PORCH PICKUP?

Yes

INSPECTION

No

PETS

No specific state restriction; standard food safety practices apply.

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: PENNINGTON COUNTY

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Pennington County

Population 110,386 · State baseline: SDCL §34-18-35; §34-18-36; §34-18-36.1 (expanded 2022); no sales cap; no registration required; no inspection; direct and indirect sales; county/municipal ordinances restricting homemade food sales preempted · **HIGH**

QUICK VIEW FOR BAKERS IN THIS COUNTY**HOME KITCHEN ALLOWED?**

Yes (South Dakota allows non-temperature-controlled foods, home-processed canned goods, and baked goods from a residence without a license. 2022 amendment significantly expanded allowed products. Individual canned goods producers must complete a state-certified online training once every five years. State law preempts county/municipal ordinances restricting homemade food sales.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific state restriction; standard food safety practices apply.

HOME OCCUPATION PERMIT?

Conditional (South Dakota state law preempts county/municipal ordinances restricting homemade food sales (SDCL §34-18-38). However, Rapid City (within Pennington County) requires a Home Occupation Certificate for home-based businesses per CityRuleLookup research. The city of Rapid City has zoning rules including: home occupation permits, exterior signage restrictions, and business secondary to residential use requirements. Pennington County unincorporated areas follow county zoning. Contact Pennington County Planning & Zoning at 785-331-1343 (note: this is for Douglas County KS; Pennington County contact is plz@pennco.org, 900 Concourse Dr., Suite 160, Rapid City, SD 57703).)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (No routine inspection required. State preempts local restrictions. SD DOH may investigate complaints.)

Home kitchen rules**HOME KITCHEN ALLOWED**

Yes — South Dakota allows non-temperature-controlled foods, home-processed canned goods, and baked goods from a residence without a license. 2022 amendment significantly expanded allowed products. Individual canned goods producers must complete a state-certified online training once every five years. State law preempts county/municipal ordinances restricting homemade food sales.

SEPARATE DEDICATED KITCHEN

No

PET RESTRICTIONS

No specific state restriction; standard food safety practices apply.

WATER SUPPLY

Potable water required per state food safety standards.

HANDWASHING

Standard food safety practices; home-processed canned goods producers must complete a state-certified online training (\$40, every 5 years).

FOOD STORAGE

Non-temperature-controlled foods and home-canned goods. Certain products require Department of Health approval under §34-18-36 and §34-18-36.1.

Inspection & permitting

INSPECTION REQUIRED	No — No routine inspection required. State preempts local restrictions. SD DOH may investigate complaints.
HOME OCCUPATION PERMIT	Conditional — South Dakota state law preempts county/municipal ordinances restricting homemade food sales (SDCL §34-18-38). However, Rapid City (within Pennington County) requires a Home Occupation Certificate for home-based businesses per CityRuleLookup research. The city of Rapid City has zoning rules including: home occupation permits, exterior signage restrictions, and business secondary to residential use requirements. Pennington County unincorporated areas follow county zoning. Contact Pennington County Planning & Zoning at 785-331-1343 (note: this is for Douglas County KS; Pennington County contact is plz@pennco.org , 900 Concourse Dr., Suite 160, Rapid City, SD 57703).
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	No
DELIVERY / PICKUP RULES	South Dakota allows direct and indirect sales (farmers markets, online, home delivery). No sales cap. State preempts local restrictions on homemade food sales. Rapid City restricts commercial signage for home businesses.
MAX EMPLOYEES IN HOME	No specific state limit; Rapid City home occupation permit conditions may apply.

Relevant county code

SDCL §34-18-35; §34-18-38 (local preemption); Rapid City Municipal Code (home occupation)

RESEARCH NOTES

State law confirmed: SDCL §34-18-35 et seq. with 2022 expansion and explicit preemption of local ordinances (§34-18-38). Pennington County Planning Department confirmed at pennco.org. Rapid City home occupation permit requirement confirmed via CityRuleLookup (2026 data), with commercial signage restrictions for home businesses. State law preemption means local ordinances cannot restrict the FOODS that can be sold, but the city may still regulate general home occupation conditions (signage, traffic, etc.) under its home-based business rules. Home-canned goods producers need a \$40 DOH online training every 5 years (SDSU Extension confirms). Confidence high: state law directly confirmed and county/city planning sources confirmed.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.pennco.org/services/planning/index.php>

<https://www.pennco.org>

<https://www.pennco.org/services/planning/index.php>

<https://www.cityrulelookup.com/home-business/cottage-food/rapid-city-sd>

<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/pennington-county-discuss

Bordering counties — cottage food law

Regulation	Pennington County	Custer County	Haakon County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific state restriction; standard food safety practices apply.	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	No	Conditional	Conditional
DELIVERY / PICKUP	South Dakota allows direct and indirect sales (farmers markets, online, home delivery). No sales cap. State preempts local restrictions on ...	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	Conditional	No	No
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	South Dakota allows non-temperature-controlled foods, home-processed canned goods, and baked goods from a residence without a license. 2022...	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 and home-canned goods. Certain products require Department of Health approval under §34-18-36 and §34-18-3...	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	110,386	8,515	1,755

State context — South Dakota cottage food law

Pennington 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 Pennington 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/pennington-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 Pennington 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/pennington-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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