

COTTAGE FOOD LAW REPORT

Union County

South Dakota · Elk Point · FIPS 46127 · Population 17,402 ·
Crosodo Index #1367*

STATE BASELINE
SDCL §34-18-35

STATE TIER
Good

ANNUAL SALES CAP (STATE)
—

CONFIDENCE
MEDIUM

LAST VERIFIED
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

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

HOME KITCHEN ALLOWED?

Yes

STATE SALES CAP

—

HOME OCCUPATION PERMIT?

Varies

ON-SITE / PORCH PICKUP?

Yes

INSPECTION

No

PETS

No specific pet restriction in state cottage food law; standard food hygiene 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: UNION COUNTY

CROSODO INDEX #1367* · FIPS 46127 · Elk Point

Union County

Population 17,402 · State baseline: SDCL §34-18-35 · MEDIUM

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (South Dakota SDCL §34-18-35 exempts homemade foods prepared at a residence from licensure. The 2022 amendment (SL 2022, ch 106) expanded beyond prior baked-goods-only scope. Individuals selling certain home-processed canned goods must complete a state-certified online training once every five years. No sales cap. County/municipal ordinances restricting homemade food sales are preempted by state law.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific pet restriction in state cottage food law; standard food hygiene practices apply.

HOME OCCUPATION PERMIT?

Varies (Union County is in southeastern SD near Sioux City metro area and has somewhat more suburban character. No county-specific home occupation permit requirement for cottage food identified. Operators should verify with Union County offices in Elk Point.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (No routine or complaint-triggered inspection authority specified for cottage food operations under state law.)

Home kitchen rules

HOME KITCHEN ALLOWED

Yes — South Dakota SDCL §34-18-35 exempts homemade foods prepared at a residence from licensure. The 2022 amendment (SL 2022, ch 106) expanded beyond prior baked-goods-only scope. Individuals selling certain home-processed canned goods must complete a state-certified online training once every five years. No sales cap. County/municipal ordinances restricting homemade food sales are preempted by state law.

SEPARATE DEDICATED KITCHEN

No

PET RESTRICTIONS

No specific pet restriction in state cottage food law; standard food hygiene practices apply.

WATER SUPPLY

No specific state cottage food water supply requirement.

HANDWASHING

No specific state cottage food handwashing mandate; standard hygiene practices recommended.

FOOD STORAGE

No specific state cottage food storage requirement; non-temperature-controlled foods must be stored appropriately.

Inspection & permitting

INSPECTION REQUIRED

No — No routine or complaint-triggered inspection authority specified for cottage food operations under state law.

HOME OCCUPATION PERMIT

Varies — Union County is in southeastern SD near Sioux City metro area and has somewhat more suburban character. No county-specific home occupation permit requirement for cottage food identified. Operators should verify with Union County offices in Elk Point.

LOCAL BUSINESS LICENSE

Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct and indirect sales permitted. Online, in-person, delivery, farmers markets, and retail stores all allowed under SDCL §34-18-35.
MAX EMPLOYEES IN HOME	Not specified in state law.

Relevant county code

No county-specific cottage food ordinance identified for Union County.

RESEARCH NOTES

No county-specific cottage food ordinance found for Union County, SD. Applied South Dakota state baseline (SDCL §34-18-35). Union County is in southeastern SD (seat: Elk Point) near the Iowa/Nebraska border; slightly more populated than other SD rural counties but no county-specific cottage food rules identified. State law preempts local restrictions on homemade food sales.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.unioncounty.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/union-county-discuss

Bordering counties — cottage food law

Regulation	Union County	Clay County	Lincoln County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific pet restriction in state cottage food law; standard food hygiene practices apply.	No specific pet restriction in South Dakota cottage food law.	No specific state prohibition; good manufacturing practice applies
INSPECTION REQUIRED	No	No	No
ON-SITE CUSTOMER PICKUP	Yes	Yes	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Direct and indirect sales permitted. Online, in-person, delivery, farmers markets, and retail stores all allowed under SDCL §34-18-35.	Direct and indirect sales both permitted. Allowed channels include home pickup, farmers markets, roadside stands, online sales, in-state sh...	Direct and indirect sales allowed; sales at home, farmers markets, fairs, roadside stands permitted. State statute preempts county/municipa...
HOME OCCUPATION PERMIT	Varies	No	Varies
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	South Dakota SDCL §34-18-35 exempts homemade foods prepared at a residence from licensure. The 2022 amendment (SL 2022, ch 106) expanded be...	South Dakota cottage food law (SDCL §34-18-35, expanded by SL 2022 ch 106) exempts non-temperature-controlled foods, home-processed baked g...	Non-temperature-controlled foods prepared at a residence are exempt from licensure. Home-processed canned goods require online training eve...
FOOD STORAGE	No specific state cottage food storage requirement; non-temperature-controlled foods must be stored appropriately.	Non-temperature-controlled (shelf-stable) foods only; refrigerated or hot-held foods require standard licensure.	Non-temperature-controlled foods; proper storage required
POPULATION	16,700	14,953	65,801

State context — South Dakota cottage food law

Union 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 Union 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/union-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 Union 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/union-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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