

COTTAGE FOOD LAW REPORT

Benson County

North Dakota · Minnewaukan · FIPS 38005 · Population
6,894 · Crosodo Index #193*

STATE BASELINE

N.D. Cent. Code §23-09.5-01 through §23-09.5-02

STATE TIER

Freedom

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

Benson County, North 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 state restriction specified.

BEFORE YOU SELL FROM THIS ADDRESS

- ☐ **1. Menu** — Confirm each product under North 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
- ☐ North Dakota home-kitchen disclaimer (see live label one-pager)

CONTINUE ONLINE

[Open the live county page →](#)

[North Dakota label one-pager →](#)

[Local notes & questions →](#)

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

NORTH DAKOTA: BENSON COUNTY

CROSODO INDEX #193* · FIPS 38005 · Minnewaukan

Benson County

Population 6,894 · State baseline: N.D. Cent. Code §23-09.5-01 through §23-09.5-02 · **MEDIUM**

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (No sales cap, no registration, no inspection, no licensing required. Direct sales to informed end consumer only. Products must include consumer advisory: 'This product is made in a home kitchen that is not inspected by the state or local health department.' Sales to food establishments, processing plants, or food stores prohibited.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No state restriction specified.

HOME OCCUPATION PERMIT?

Conditional (ND statute (§23-09.5-02(1)) expressly prohibits state agencies and political subdivisions from requiring licensure, permitting, or certification for cottage food. Benson County is a rural county with Spirit Lake Nation tribal land. General zoning home occupation rules may apply broadly, but cottage food is preempted from local permitting.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (State may investigate complaints related to foodborne illness. No routine inspections.)

Home kitchen rules

HOME KITCHEN ALLOWED

Yes — No sales cap, no registration, no inspection, no licensing required. Direct sales to informed end consumer only. Products must include consumer advisory: 'This product is made in a home kitchen that is not inspected by the state or local health department.' Sales to food establishments, processing plants, or food stores prohibited.

SEPARATE DEDICATED KITCHEN

No

PET RESTRICTIONS

No state restriction specified.

WATER SUPPLY

No explicit state requirement beyond potable water.

HANDWASHING

No state-mandated specific requirement for cottage food; standard hygiene practices expected.

FOOD STORAGE

No specific state requirement beyond keeping products safe for consumption.

Inspection & permitting

INSPECTION REQUIRED

No — State may investigate complaints related to foodborne illness. No routine inspections.

HOME OCCUPATION PERMIT

Conditional — ND statute (§23-09.5-02(1)) expressly prohibits state agencies and political subdivisions from requiring licensure, permitting, or certification for cottage food. Benson County is a rural county with Spirit Lake Nation tribal land. General zoning home occupation rules may apply broadly, but cottage food is preempted from local permitting.

LOCAL BUSINESS LICENSE

No

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Sales may occur at farm, ranch, farmers market, farm stand, home-based kitchen, or any non-prohibited venue, including delivery. Direct producer-to-consumer transactions only.
MAX EMPLOYEES IN HOME	No state restriction specified.

Relevant county code

N.D. Cent. Code §23-09.5-01 through §23-09.5-02

RESEARCH NOTES

ND state law preempts local cottage food permitting. Benson County is a rural north-central ND county that includes parts of the Spirit Lake Nation. No county-specific cottage food rules found. State baseline applies.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.bensoncounty.gov>

<https://ndlegis.gov/cencode/t23c09-5.pdf>

<https://www.hhs.nd.gov/health/food-and-lodging/cottage-food>

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

Bordering counties — cottage food law

Regulation	Benson County	Eddy County	Nelson County
HOME KITCHEN ALLOWED	Yes	Yes	—
SEPARATE DEDICATED KITCHEN	No	No	—
PETS ALLOWED	No state restriction specified.	No state restriction specified.	—
INSPECTION REQUIRED	No	No	—
ON-SITE CUSTOMER PICKUP	Yes	Yes	—
ON-SITE SIGNAGE	Conditional	Conditional	—
DELIVERY / PICKUP	Sales may occur at farm, ranch, farmers market, farm stand, home-based kitchen, or any non-prohibited venue, including delivery. Direct pro...	Sales may occur at farm, ranch, farmers market, farm stand, home-based kitchen, or any non-prohibited venue, including delivery. Direct pro...	—
HOME OCCUPATION PERMIT	Conditional	Conditional	No
LOCAL BUSINESS LICENSE	No	No	—
RESTRICTIONS	No sales cap, no registration, no inspection, no licensing required. Direct sales to informed end consumer only. Products must include cons...	No sales cap, no registration, no inspection, no licensing required. Direct sales to informed end consumer only. Products must include cons...	—
FOOD STORAGE	No specific state requirement beyond keeping products safe for consumption.	No specific state requirement beyond keeping products safe for consumption.	—
POPULATION	6,894	2,313	3,025

State context — North Dakota cottage food law

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

STATUTE

N.D. Cent. Code §23-09.5-01 through §23-09.5-02

ANNUAL SALES CAP

—

REGISTRATION REQUIRED

No

FOOD HANDLER CERT

No

KITCHEN INSPECTION

No

DIRECT SALES ONLY

Yes

INDIRECT SALES

No — Transactions must be directly between the cottage food operator and the 'informed end consumer' and solely for home consumption. Products may not be sold or used in any food establishment, food processing plant, or food store. No wholesale channel is permitted.

For the full state-level analysis including the verbatim statute text, see the **North Dakota cottage food law report** on Crosodo, or open the live guide: crosodo.com/states/north-dakota.

STATE-LEVEL REFERENCES

State statute: <https://ndlegis.gov/cencode/t23c09-5.pdf>

State dept cottage food page: <https://www.ndhealth.gov/foodlodging/cottagefood/>

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

Questions about Benson 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/north-dakota/benson-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 Benson County, North 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/north-dakota/benson-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.

Ads are paid placements. Crosodo does not endorse listed vendors. Verify all information independently. · To advertise: crosodo.com/advertise