

COTTAGE FOOD LAW REPORT

Bennett County

South Dakota · Martin · FIPS 46007 · Population 3,365 ·
Crosodo Index #1279*

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

Bennett 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 state restriction on pets for cottage food operations.

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: BENNETT COUNTY

CROSODO INDEX #1279* · FIPS 46007 · Martin

Bennett County

Population 3,365 · State baseline: SDCL §34-18-35 · MEDIUM

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (South Dakota allows cottage food from a residential kitchen (SDCL §34-18-35). No registration or inspection required. The 2022 amendment (SL 2022, ch 106) expanded allowed products beyond prior baked-goods-only scope to include non-temperature-controlled foods and home-processed canned goods. Individuals involved in production of certain home-canned goods must complete a state-certified online training once every five years. No annual sales cap. State statute preempts county/municipal ordinances restricting homemade food sales.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific state restriction on pets for cottage food operations.

HOME OCCUPATION PERMIT?

Varies (South Dakota state statute preempts county and municipal ordinances restricting cottage food sales. Bennett County may have general home occupation zoning rules, but these cannot restrict state-authorized cottage food sales. Operators in incorporated cities should verify city zoning ordinances.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (No routine inspection required. SD Dept. of Health may inspect upon complaint.)

Home kitchen rules

HOME KITCHEN ALLOWED

Yes — South Dakota allows cottage food from a residential kitchen (SDCL §34-18-35). No registration or inspection required. The 2022 amendment (SL 2022, ch 106) expanded allowed products beyond prior baked-goods-only scope to include non-temperature-controlled foods and home-processed canned goods. Individuals involved in production of certain home-canned goods must complete a state-certified online training once every five years. No annual sales cap. State statute preempts county/municipal ordinances restricting homemade food sales.

SEPARATE DEDICATED KITCHEN

No

PET RESTRICTIONS

No specific state restriction on pets for cottage food operations.

WATER SUPPLY

No specific requirement under SD cottage food law.

HANDWASHING

Good manufacturing practices apply.

FOOD STORAGE

Non-temperature-controlled foods only. Home-canned goods have specific training and process requirements.

Inspection & permitting

INSPECTION REQUIRED

No — No routine inspection required. SD Dept. of Health may inspect upon complaint.

HOME OCCUPATION PERMIT

Varies — South Dakota state statute preempts county and municipal ordinances restricting cottage food sales. Bennett County may have general home occupation zoning rules, but these cannot restrict state-authorized cottage food sales. Operators in incorporated cities should verify city zoning ordinances.

LOCAL BUSINESS LICENSE

Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct-to-consumer, online, and indirect retail sales allowed. No geographic restriction. State statute preempts local restrictions.
MAX EMPLOYEES IN HOME	Not specified by state law; must be a residential kitchen.

Relevant county code

SDCL §34-18-35, §34-18-36, §34-18-36.1, §34-18-38 (cottage food exemptions and limitations)

RESEARCH NOTES

SD cottage food law (SDCL §34-18-35) governs statewide with preemption of local ordinances. Rural southwest SD county, partly bordering Pine Ridge Reservation. SDCL §34-18-35 governs. SD statute preempts county ordinances. No county-specific cottage food restrictions. County-specific zoning not researched at ordinance level. Confidence medium: state rules well-documented and preemptive; local rules likely do not restrict cottage food but home occupation permit may still apply for zoning compliance.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.bennettcountysd.org>

<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/bennett-county-discuss

Bordering counties — cottage food law

Regulation	Bennett County	Jackson County	Mellette County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific state restriction on pets for cottage food operations.	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	Conditional	Conditional	Conditional
DELIVERY / PICKUP	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...	Direct and indirect sales both permitted. Allowed channels include home pickup, farmers markets, roadside stands, online sales, in-state sh...
HOME OCCUPATION PERMIT	Varies	No	No
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	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...	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 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.	Non-temperature-controlled (shelf-stable) foods only; refrigerated or hot-held foods require standard licensure.
POPULATION	3,365	2,838	1,989

State context — South Dakota cottage food law

Bennett 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 Bennett 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/bennett-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 Bennett 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/bennett-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