

COTTAGE FOOD LAW REPORT

Delaware

A comprehensive guide to the cottage food statute, sales rules, and county-level zoning and health-department overlays for home bakers operating under 16 Del. Admin. Code 4458A.

STATUTE	TIER	IJ GRADE	COUNTIES COVERED
16 Del. Admin. Code 4458A	Good	F	3

LAST VERIFIED

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.

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Executive summary

This report covers the Delaware cottage food framework — the state statute, the regulatory body administering it, what producers can and cannot sell, and county-level rules layered on top of state law for the 3 Delaware counties included in this dataset.

ANNUAL SALES CAP

none

REGISTRATION REQUIRED

yes

FOOD HANDLER CERTIFICATION

yes (specific course)

KITCHEN INSPECTION

yes

DIRECT SALES ONLY

yes

INDIRECT SALES (RETAIL/ONLINE/WHOLESALE)

no — Delaware prohibits sales at restaurants, retail stores, and online; only direct in-person sales at home, farmers markets, and events are permitted.

RESEARCH NOTES

The primary enabling statute is 16 Del.C. §122 but the operative rules are in 16 Del. Admin. Code 4458A (Cottage Food Regulations) first effective September 2016 and last amended December 2023. The December 2023 amendment (27 DE Reg. 432) removed the previously very low \$25,000 annual sales cap and removed the home address requirement from labels. Delaware also has a separate On-Farm Home Processing program under 3 Del. Admin. Code 101 for farmers. Despite an IJ grade of F, Delaware does have a functioning program — the F likely reflects the complexity of registration (pre-operational inspection, 8-hour food safety training costing ~\$175, plan review, \$30 annual fee). IJ and the program's 'Good' tier in Crosodo data reflect this nuance. The state dept cottage URL may be outdated (404 as of verification date); the National Agricultural Law Center PDF (current through December 2024) was used as the primary statute source.

State of Delaware Cottage Food Regulations (16 Del. Admin. Code 4458A §§ 1-9)

CITATION

16 Del. Admin. Code 4458A

ENACTED

2016

LAST AMENDED

2023

CONFIDENCE

HIGH

Allowed foods

Delaware allows certain non-potentially hazardous foods including specific baked goods (breads, cakes, cookies, pies, pastries), candy, jams, jellies, and other fruit preserves. Other non-PHF foods may be allowed after confirmation from the health department.

Prohibited foods

Prohibited items include most perishable foods, low-acid and acidified canned foods, ketchup, mustards, nut butters, oils, pickles, salsas, sauces, dried fruits and vegetables, herbs, mixes, pasta noodles, spices, tea leaves, fermented foods, juices, and meat jerkies. TCS (time/temperature control for safety) foods are not permitted.

Labeling requirements

Labels must include the town or city (format: 'City, Delaware'), either an email address or phone number, product name, ingredients in descending order of weight, and net weight/volume. Home address on label was removed as a requirement in December 2023.

Statutory text — verbatim excerpt

Statute excerpt — verbatim

1.1 Preamble. These regulations shall be known as the State of Delaware Cottage Food Regulations (Cottage Food Regs). 1.2 Purpose. Delaware Department of Health and Social Services adopts these regulations pursuant to the authority vested by 16 Del.C. §122. These regulations establish registration procedures and standards of practice for conducting food processing operations in home-style kitchens that safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented. 1.4 Exemptions 1.4.1 Establishments registered as food establishments in Delaware shall be exempt from the Cottage Food Regulations. 1.4.2 Establishments registered under these regulations shall be exempt from the Delaware Food Code. 1.4.3 Products offered at 'bake sales' or private events as described in the definition of food establishment in the Delaware Food Code shall be exempt from these regulations. 3.1.3.1 CFE are only permitted to engage in direct sales with consumers in the State of Delaware.

Source: <https://nationalaglawcenter.org/wp-content/uploads/assets/cottagefood/Delaware.pdf>

Official sources

Statute <https://delcode.delaware.gov/title16/c001/index.html>

State dept page <https://www.dhss.delaware.gov/dhss/dph/hsp/cottagefood.html>

Extension service <https://www.udel.edu/canr/cooperative-extension/>

Forrager.com <https://forrager.com/law/delaware/>

State dept of agriculture / health: [Delaware Department of Health and Social Services](#)

County-level rules

The state statute above sets the floor. Each county may add a home-occupation permit, business license, or zoning rule on top of state law. The 3 Delaware counties below are sorted by population (largest first).

RANK 119 • FIPS 10003 • Wilmington

New Castle County

Population 570,567 · State baseline: 16 Del. Admin. Code 4458A · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Specific approved foods only (breads, cakes, cookies, pies, pastries, candy, jams, jellies, fruit preserves). Kitchen must pass pre-operational inspection by Delaware DHSS. Food safety training course (8 hours, ~\$175) required. \$30 annual registration fee. Direct sales only.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific state cottage food pet restriction; kitchen must pass inspection for sanitation
WATER SUPPLY	Municipal or private supply; inspected as part of pre-operational inspection
HANDWASHING	Required per kitchen inspection standards
FOOD STORAGE	Standard home kitchen storage for approved non-PHF foods

Inspection & permitting

INSPECTION REQUIRED	yes — Pre-operational inspection required before registration issued. Ongoing complaint-based inspections possible.
HOME OCCUPATION PERMIT	conditional — Delaware state cottage food law does not explicitly address home occupation permits. New Castle County may have home occupation zoning requirements. Producers should check with New Castle County Land Use or local municipality (City of Wilmington, other municipalities) for home occupation permit requirements before beginning operations.
LOCAL BUSINESS LICENSE	varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct sales to consumers only within Delaware. Online sales allowed. No retail store sales. No annual sales cap (removed December 2023). No wholesale.
MAX EMPLOYEES IN HOME	Not specified in state law

Relevant county code

16 Del. Admin. Code 4458A (Cottage Food Regulations). Local: New Castle County zoning codes.

RESEARCH NOTES

Delaware is a Good-tier state. 16 Del. Admin. Code 4458A last amended December 2023 (removed \$25,000 sales cap, removed home address from label requirement). Narrow approved foods list (baked goods, candy, jams/jellies, fruit preserves). Pre-operational inspection required. 8-hour food safety training at ~\$175. \$30 annual fee. Direct sales only within Delaware. Home address no longer required on labels (registration number used instead). New Castle County-specific zoning/home occupation permit requirements not confirmed from direct source. Confidence medium.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.nccde.org>

<https://www.dhss.delaware.gov/dhss/dph/hsp/cottagefood.html>

<https://ij.org/issues/economic-liberty/homemade-food-seller/delaware/>

RANK 281 · FIPS 10005 · Georgetown

Sussex County

Population 240,668 · State baseline: 16 Del. Admin. Code 4458A · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Limited food list: specific baked goods (breads, cakes, cookies, pies, pastries), candy, jams, jellies, and fruit preserves. Pre-operational home kitchen inspection required. 8-hour food safety training required (~\$175). \$30 annual fee. Direct sales only. No sales cap (removed December 2023 amendment). Home address not required on label (December 2023 amendment).
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	Not specified; home kitchen must pass pre-operational inspection
WATER SUPPLY	Potable water supply; private well testing required
HANDWASHING	8-hour food safety training required before operating
FOOD STORAGE	Non-TCS; very limited approved food list (mostly baked goods, candy, jams/jellies)

Inspection & permitting

INSPECTION REQUIRED	yes — Pre-operational inspection required before registration issued; health authority may inspect for complaints
HOME OCCUPATION PERMIT	conditional — Sussex County may require home occupation permit under local zoning. Sussex County has unincorporated areas. Check with Sussex County Community Development and Planning.
LOCAL BUSINESS LICENSE	varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct sales only to consumers; no wholesale, no retail store sales, no consignment. No out-of-state sales.
MAX EMPLOYEES IN HOME	Not specified in state rules

Relevant county code

16 Del. Admin. Code 4458A; Sussex County zoning

RESEARCH NOTES

Sussex County DE follows Delaware state baseline (16 Del. Admin. Code 4458A). Delaware has one of the nation's more restrictive programs — very limited food list, pre-operational inspection, 8-hour training requirement. December 2023 amendment removed sales cap and home address labeling requirement. No Sussex County-specific cottage food ordinance found. Confidence medium — state law confirmed but no specific Sussex County .gov cottage food source retrieved.

SOURCES VERIFIED AT RESEARCH TIME

<https://sussexcountyde.gov>

<https://www.dhss.delaware.gov/dhss/dph/hsp/cottagefood.html>

RANK 362 · FIPS 10001 · Dover

Kent County

Population 182,400 · State baseline: 16 Del. Admin. Code 4458A · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Registration required with Delaware Division of Public Health (DPH). Initial on-site inspection required before registration. 8-hour food safety training course required (~\$175 cost). Annual \$30 fee. Direct sales only to end consumers; no wholesale, consignment, or multi-county distribution. Limited approved food list (baked goods, candy, jams, jellies). No sales cap (removed in December 2023 amendment).
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	DPH may assess home kitchen during inspection; pets likely would be required away from food prep areas.
WATER SUPPLY	Potable water supply; inspected during pre-registration inspection.
HANDWASHING	Adequate handwashing facilities required; assessed during inspection.
FOOD STORAGE	Products stored in clean, sanitary conditions; assessed during inspection.

Inspection & permitting

INSPECTION REQUIRED	yes — Initial inspection required before registration is issued. Subsequent routine inspections may apply. DPH may inspect for compliance at any time.
HOME OCCUPATION PERMIT	yes — Kent County requires a local zoning permit and Delaware business license for home-based businesses in residential zones. Delaware cottage food law (16 Del. Admin. Code 4458A) requires state registration separately. County zoning requires home occupation to be secondary to residential use with no on-site employees and limited customer visits. Cities within county (Dover, Milford, Smyrna) have their own rules.
LOCAL BUSINESS LICENSE	yes

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	no

DELIVERY / PICKUP RULES Direct sales at home, farmers markets, and similar venues. Home address may be replaced with department-issued ID number on labels since December 2023 amendment.

MAX EMPLOYEES IN HOME Typically no on-site employees per home occupation zoning conditions.

Relevant county code

16 Del. Admin. Code 4458A; Kent County zoning code (home occupation provisions)

RESEARCH NOTES

Delaware has one of the most restrictive cottage food programs nationally despite removal of sales cap in December 2023. Pre-operational inspection, 8-hour food safety training, \$30 annual fee, and limited approved food list all remain requirements. Kent County requires local zoning permit and business license per CityRuleLookup. County seat 'Dover' was blank in input — confirmed as Dover. DPH cottage food program page accessible at dhss.delaware.gov. Program not available in Philadelphia County (PA note, not DE).

SOURCES VERIFIED AT RESEARCH TIME

<https://www.co.kent.de.us>

<https://www.dhss.delaware.gov/dph/hsp/ofpcfe.html>

<https://www.cityrulelookup.com/home-business/zoning/kent-county-de>

Generated 2026-05-06 from [data/research/state_cottage_food_statutes.csv](#) and [data/research/county_cottage_food_zoning.csv](#). This report is for research purposes only and does not constitute legal advice. Cottage food law is in active flux — re-verify all citations and rules against state and county .gov sources before relying on them for regulatory decisions.