

COTTAGE BAKERY FROM HOME

Can I sell from my kitchen in Brown County, South Dakota?

Home kitchen sales. Not a shop or rented commercial kitchen. Last verified 2026-05-06.

STATE FOOD PERMIT

No

HOME OCCUPATION

Varies

BUSINESS LICENSE

Varies

SALES CAP

—

SOUTH DAKOTA RULES. OPEN THESE FIRST.

[South Dakota permits PDF](#)[South Dakota cottage food law page](#)[South Dakota Department of Health cottage food program](#)[Statute: SDCL §34-18-35](#)**NOT LEGAL ADVICE**

This is what it takes to sell from a home kitchen in Brown County. Confirm each step with Planning, Health, and the license office before you sell.

What you need

Brown County, South Dakota. File every Yes. Confirm every Check or Ask. Stay under the sales cap.

STATE FOOD PERMIT

No

ANNUAL SALES CAP

—

HOME OCCUPATION / ZONING

Varies

LOCAL HEALTH

No

BUSINESS LICENSE

Varies

PICKUP AT THE HOUSE

Yes

HOME KITCHEN ONLY

If you want a shop or a rented commercial kitchen, these rows do not apply.

CONTINUE ONLINE

[South Dakota permits PDF →](#)

<https://crosodo.com/reports/pdf/permits/south-dakota.pdf>

[South Dakota cottage food law page →](#)

<https://crosodo.com/states/south-dakota>

[Permit page for this place →](#)

<https://crosodo.com/what-permits/south-dakota/brown-county>

[Brown County cottage food law page →](#)

<https://crosodo.com/states/south-dakota/brown-county>

Not legal advice. Rules change. Confirm with the office before you file.

Where to file

State

South Dakota registration: No. Routine kitchen inspection: No. 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.

South Dakota permits PDF: crosodo.com/reports/pdf/permits/south-dakota.pdf

State law page: crosodo.com/states/south-dakota

South Dakota Department of Health: <https://doh.sd.gov/topics/food-protection/cottage-foods/>

Statute: [SDCL §34-18-35](#)

Zoning / home occupation

Varies. South Dakota state statute preempts county and municipal ordinances restricting cottage food sales. Brown 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.

Planning: <https://www.brown.sd.us>

Health

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

Business license

Varies

Pickup / delivery

Direct-to-consumer, online, and indirect retail sales allowed. No geographic restriction. State statute preempts local restrictions.

If you rent a commissary kitchen

DOH licenses food service. South Dakota cottage food is a home path. A commissary is a food service establishment licensed by the Department of Health.

Official source: [SD DOH food](#)

Local health office we have on file: <https://www.brown.sd.us>

This file is the home-kitchen path. A rented kitchen uses a different permit. Ask the kitchen manager which license they expect, then call the local health office.

SOURCES

<https://www.brown.sd.us>

<https://www.brown.sd.us>

<https://doh.sd.gov/topics/food-protection/cottage-foods/>

https://sdlegislature.gov/Statutes/Codified_Laws/2050018

Brown County and nearby places

Regulation	Brown County	Spink County	Day 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 state cottage food law; standard food hygiene practices apply.	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 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...
HOME OCCUPATION PERMIT	Varies	Varies	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 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...
FOOD STORAGE	Non-temperature-controlled foods only. Home-canned goods have specific training and process requirements.	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.
POPULATION	38,839	6,355	5,485

More pages for this place

These Crosodo pages cover the same home cottage-food path:

South Dakota permits PDF: crosodo.com/reports/pdf/permits/south-dakota.pdf

South Dakota cottage food law: crosodo.com/states/south-dakota

Brown County cottage food law: crosodo.com/states/south-dakota/brown-county