

COTTAGE BAKERY FROM HOME

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

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

STATE FOOD PERMIT

No

HOME OCCUPATION

No

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 Clay County. Confirm each step with Planning, Health, and the license office before you sell.

What you need

Clay 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

No

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/clay-county>

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

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

No. No state-level permit or registration required for cottage food production under SDCL §34-18-35. State law preempts county/municipal restrictions. Clay County has no identified separate home occupation permit requirement for cottage food operations compliant with state law. A general business license from Vermillion or Clay County may be required for any commercial activity, but is not specific to cottage food.

Health

No. No routine inspection required. The SD Department of Health may respond to foodborne illness complaints but does not conduct pre-operational inspections for cottage food producers.

Business license

Varies

Pickup / delivery

Direct and indirect sales both permitted. Allowed channels include home pickup, farmers markets, roadside stands, online sales, in-state shipping, and retail consignment. No sales cap under state law.

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.claycounty.gov>

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.claycounty.gov>

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

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

Clay County and nearby places

Regulation	Clay County	Union County	Turner County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific pet restriction in South Dakota cottage food law.	No specific pet restriction in state cottage food law; standard food hygiene practices apply.	No specific pet restriction in state cottage food law; standard food hygiene practices apply.
INSPECTION REQUIRED	No	No	No
ON-SITE CUSTOMER PICKUP	Yes	Yes	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Direct and indirect sales both permitted. Allowed channels include home pickup, farmers markets, roadside stands, online sales, in-state sh...	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 permitted. Online, in-person, delivery, farmers markets, and retail stores all allowed under SDCL §34-18-35.
HOME OCCUPATION PERMIT	No	Varies	Varies
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	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 SDCL §34-18-35 exempts homemade foods prepared at a residence from licensure. The 2022 amendment (SL 2022, ch 106) expanded be...	South Dakota SDCL §34-18-35 exempts homemade foods prepared at a residence from licensure. The 2022 amendment (SL 2022, ch 106) expanded be...
FOOD STORAGE	Non-temperature-controlled (shelf-stable) foods only; refrigerated or hot-held foods require standard licensure.	No specific state cottage food storage requirement; non-temperature-controlled foods must be stored appropriately.	No specific state cottage food storage requirement; non-temperature-controlled foods must be stored appropriately.
POPULATION	14,953	16,700	8,687

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

Clay County cottage food law: crosodo.com/states/south-dakota/clay-county