

COTTAGE FOOD LAW REPORT

Fairfax County

Virginia · — · FIPS 51059 · Population 1,145,354 · Crosodo
Index #2777*

STATE BASELINE

Va. Code §3.2-5130 (HB 402 / 2026 c. 605)

STATE TIER

Good

ANNUAL SALES CAP (STATE)

Tiered

CONFIDENCE

HIGH

LAST VERIFIED

2026-08-19

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

Fairfax County, Virginia — permit, pickup, and label steps before the full county rules.

HOME KITCHEN ALLOWED?

Yes

STATE SALES CAP

Tiered

HOME OCCUPATION PERMIT?

Yes

ON-SITE / PORCH PICKUP?

No

INSPECTION

Upon-complaint

PETS

State baseline applies

BEFORE YOU SELL FROM THIS ADDRESS

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

CONTINUE ONLINE

Open the live county page →

Virginia label one-pager →

Print labels for your first market →

Local notes & questions →

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

VIRGINIA: FAIRFAX COUNTY

CROSODO INDEX #2777* · FIPS 51059 · —

Fairfax County

Population 1,145,354 · State baseline: Va. Code §3.2-5130 (HB 402 / 2026 c. 605) · **HIGH****QUICK VIEW FOR BAKERS IN THIS COUNTY****HOME KITCHEN ALLOWED?**

Yes (Fairfax County requires a Home-Based Business Permit with a Home-Based Food Production Supplemental Form for all home-based food operations. Small-scale food production is a permitted home-based use in residential districts, but sale and delivery must occur exclusively online or off-site (no on-site retail sales or customer pickup). The home occupation area cannot exceed 400 sq ft. Operators must also comply with VDACS (Va. Code §3.2-5130 as amended by HB 402) and Fairfax County Health Department cottage-food product registration (Chapter 43.2 Art. 5). Burke and other unincorporated addresses are in the County. The independent City of Fairfax (FIPS 51600) is not in the County — County HBB / PLUS / County Food Code do not apply there.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

State baseline applies

HOME OCCUPATION PERMIT?

Yes (Fairfax County requires a Home-Based Business Administrative Permit through PLUS for cottage food operations, plus the Home-Based Food Production Supplemental Form. Processing is about 14 calendar days; the administrative permit fee is \$140 as of July 1, 2026 (paid in PLUS; credit-card payments add a 2.35% service charge). Submit a floor plan labeling rooms and the square footage of the business area (400 sq ft cap); interior photos of rooms/areas where the business will operate (not every room in the house); and exterior photos of all sides of the dwelling. FCHD reviews each food item; Chapter 43.2 Art. 5 requires annual cottage-food product registration. File BPOL within 75 days of starting. Zoning Permits: 703-222-1082 / dpdzoningpermits@fairfaxcounty.gov. Home occupation area limited to 400 sq ft; one non-resident employee only in a single-family detached dwelling, 7am–6pm. Sale and delivery of home-based food must be exclusively online or off-site — no porch pickup. A special permit cannot add on-site customers for food or small-scale production.)

ON-SITE / PORCH PICKUP?

No

INSPECTION REQUIRED?

Upon-complaint (VDACS may inspect upon complaint. FCHD reviews cottage-food products and may investigate complaints. The HBB administrative permit is a zoning review (about 14 calendar days); FCHD product registration is a separate annual Health Department step. County Food Code Chapter 43.2 does not apply in the independent City of Fairfax.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Fairfax County requires a Home-Based Business Permit with a Home-Based Food Production Supplemental Form for all home-based food operations. Small-scale food production is a permitted home-based use in residential districts, but sale and delivery must occur exclusively online or off-site (no on-site retail sales or customer pickup). The home occupation area cannot exceed 400 sq ft. Operators must also comply with VDACS (Va. Code §3.2-5130 as amended by HB 402) and Fairfax County Health Department cottage-food product registration (Chapter 43.2 Art. 5). Burke and other unincorporated addresses are in the County. The independent City of Fairfax (FIPS 51600) is not in the County — County HBB / PLUS / County Food Code do not apply there.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	State baseline applies
WATER SUPPLY	State baseline applies
HANDWASHING	State baseline applies
FOOD STORAGE	State baseline applies

Inspection & permitting

INSPECTION REQUIRED	Upon-complaint — VDACS may inspect upon complaint. FCHD reviews cottage-food products and may investigate complaints. The HBB administrative permit is a zoning review (about 14 calendar days); FCHD product registration is a separate annual Health Department step. County Food Code Chapter 43.2 does not apply in the independent City of Fairfax.
HOME OCCUPATION PERMIT	Yes — Fairfax County requires a Home-Based Business Administrative Permit through PLUS for cottage food operations, plus the Home-Based Food Production Supplemental Form. Processing is about 14 calendar days; the administrative permit fee is \$140 as of July 1, 2026 (paid in PLUS; credit-card payments add a 2.35% service charge). Submit a floor plan labeling rooms and the square footage of the business area (400 sq ft cap); interior photos of rooms/areas where the business will operate (not every room in the house); and exterior photos of all sides of the dwelling. FCHD reviews each food item; Chapter 43.2 Art. 5 requires annual cottage-food product registration. File BPOL within 75 days of starting. Zoning Permits: 703-222-1082 / dpdzoningpermits@fairfaxcounty.gov. Home occupation area limited to 400 sq ft; one non-resident employee only in a single-family detached dwelling, 7am–6pm. Sale and delivery of home-based food must be exclusively online or off-site — no porch pickup. A special permit cannot add on-site customers for food or small-scale production.
LOCAL BUSINESS LICENSE	Yes

Customer-facing rules

ON-SITE CUSTOMER PICKUP	No
ON-SITE SIGNAGE	No
DELIVERY / PICKUP RULES	Zoning §4102.7.H: sale and delivery of home-based food and small-scale production items must occur exclusively online or off-site. On-site retail customer pickup is not permitted. FAQ: customers may come only to view samples if that is separately allowed — food sales themselves are not porch pickup. A special permit cannot add customers for food or small-scale production. State HB 402 allows online/phone orders and in-state delivery/shipping; County zoning still bans house pickup.
MAX EMPLOYEES IN HOME	1 non-resident employee on-site for single-family detached dwellings (7am–6pm only); no non-resident employees for other dwelling types

Relevant county code

Fairfax County Zoning Ordinance §4102.7.H (Home-Based Business); §4102.1.I (administrative permit standards); County Food Code Chapter 43.2 Art. 5 (cottage-food product registration)

RESEARCH NOTES

Fairfax County is tighter than the Virginia cottage-food exemption: PLUS HBB administrative permit (\$140 as of July 1, 2026, ~14 calendar days), Home-Based Food Production Supplemental Form, interior photos of the business area, exterior photos of all sides, FCHD product-by-product review and annual cottage-food registration (Chapter 43.2 Art. 5), and BPOL within 75 days. On-site customer pickup is prohibited (online/off-site only); a special permit cannot add customers for food/small-scale production. 400 sq ft cap; one non-resident employee only in detached single-family homes, 7am–6pm. People confuse the County with the independent City of Fairfax — they are separate governments. Burke is in the County.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.fairfaxcounty.gov/health>

<https://www.fairfaxcounty.gov/planning-development/zoning/home-based-business>

<https://www.fairfaxcounty.gov>

<https://www.fairfaxcounty.gov/planning-development/zoning/home-based-business>

<https://plus.fairfaxcounty.gov/CitizenAccess/Welcome.aspx>

<https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/zoning/home-based-food-production-supplemental-form.pdf>

<https://www.fairfaxcounty.gov/health/permits>

<https://online.encodeplus.com/regs/fairfaxcounty-va/doc-viewer.aspx#secid-2878>

<https://law.lis.virginia.gov/vacode/title3.2/chapter51/section3.2-5130/>

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

Fairfax County and nearby places

Regulation	Fairfax County	Prince William County	Loudoun County	Fairfax city
HOME KITCHEN ALLOWED	Yes	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No	No
PETS ALLOWED	State baseline applies	No specific state cottage food pet restriction	No specific state restriction; standard food safety practices apply.	No specific state cottage food pet restriction.
INSPECTION REQUIRED	Upon-complaint	No	Upon-complaint	No
ON-SITE CUSTOMER PICKUP	No	Conditional	Conditional	Check zoning
ON-SITE SIGNAGE	No	No	No	No
DELIVERY / PICKUP	Zoning §4102.7.H: sale and delivery of home-based food and small-scale production items must occur exclusively online or off-site. On-site ...	Virginia state law: direct sales to consumers at farmers markets, events, from home. Indirect sales through third-party retailers allowed w...	Direct-to-consumer sales only. No resale, consignment, or sales to retail food establishments. Sales at farmers markets, roadside stands, h...	State HB 402 allows online/phone sales and in-state delivery or shipping. City MHO: no public advertising of the street address; traffic mu...
HOME OCCUPATION PERMIT	Yes	Yes	Yes	Yes
LOCAL BUSINESS LICENSE	Yes	Yes	Yes	Yes
RESTRICTIONS	Fairfax County requires a Home-Based Business Permit with a Home-Based Food Production Supplemental Form for all home-based food operations...	Two tiers: (1) Non-acidified cottage foods (baked goods, candy, etc.) — no registration required, direct sales only, limited venues. (2) Ac...	Virginia cottage food law (Va. Code §3.2-5130) exempts non-TCS shelf-stable foods from licensing and inspection. Permitted items: candies, ...	Independent City of Fairfax (not Fairfax County). Virginia Home Kitchen Food Processing Exemption (Va. Code §3.2-5130 as amended by HB 402,...
FOOD STORAGE	State baseline applies	Standard home kitchen storage for approved non-TCS foods	Non-TCS shelf-stable products. No TCS foods permitted.	Non-TCS shelf-stable foods only.
POPULATION	1,145,354	481,114	420,773	24,242

State context — Virginia cottage food law

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

STATUTE

Va. Code §3.2-5130 (HB 402 / 2026 c. 605)

ANNUAL SALES CAP

Tiered

REGISTRATION REQUIRED

No

FOOD HANDLER CERT

No

KITCHEN INSPECTION

No

DIRECT SALES ONLY

Yes

INDIRECT SALES

No — As amended by HB 402 (Acts of Assembly 2026 Ch. 605), effective July 1, 2026: exempt foods may be sold at any location, through the internet, or by phone to an individual in Virginia for their own consumption, and delivered in person, by mail, or by delivery service in Virginia. Still no resale, consignment, restaurants, retail food establishments, or out-of-state sales. Local zoning still applies. The VDACS home-food-processor FAQ PDF is stale (still says no online sales); the statute controls. <https://lis.virginia.gov/bill-details/2026/HB402>

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

STATE-LEVEL REFERENCES

State statute: <https://law.lis.virginia.gov/vacode/title3.2/chapter51/section3.2-5130/>

State dept cottage food page: <https://www.vdacs.virginia.gov/food-information-for-vendors-and-businesses-home-food-processors.shtml>

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

Questions about Fairfax 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/virginia/fairfax-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 Fairfax County, Virginia. 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/virginia/fairfax-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.

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