

COTTAGE FOOD LAW REPORT

Smyth County

Virginia · Marion · FIPS 51173 · Population 29,137 · Crosodo
Index #1717*

STATE BASELINE

Va. Code §3.2-5130

STATE TIER

Good

ANNUAL SALES CAP (STATE)

Tiered

CONFIDENCE

MEDIUM

LAST VERIFIED

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

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

HOME KITCHEN ALLOWED?

Yes

STATE SALES CAP

Tiered

HOME OCCUPATION PERMIT?

Conditional

ON-SITE / PORCH PICKUP?

Conditional

INSPECTION

Conditional

PETS

VDACS home food processing permit pathway requires pets excluded from food prep, storage, packaging, and equipment cleaning areas at all times via solid latching doors.

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: SMYTH COUNTY

CROSODO INDEX #1717* · FIPS 51173 · Marion

Smyth County

Population 29,137 · State baseline: Va. Code §3.2-5130 · **MEDIUM****QUICK VIEW FOR BAKERS IN THIS COUNTY****HOME KITCHEN ALLOWED?**

Yes (Virginia state cottage food exemption (Va. Code §3.2-5130) applies. Smyth County is a rural southwest Virginia county. No county-specific cottage food ordinance identified beyond standard Virginia home occupation zoning requirements. For the VDACS Home Food Processing permit pathway, written zoning approval from the county is required.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

VDACS home food processing permit pathway requires pets excluded from food prep, storage, packaging, and equipment cleaning areas at all times via solid latching doors.

HOME OCCUPATION PERMIT?

Conditional (Smyth County likely has standard Virginia home occupation zoning provisions. Contact Smyth County Planning (Marion, VA) for specific requirements. For VDACS home food processing permit, written zoning approval is required.)

ON-SITE / PORCH PICKUP?

Conditional

INSPECTION REQUIRED?

Conditional (VDACS home food processing permit: initial inspection required. Cottage food exemption: no routine inspection; complaint-based only.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Virginia state cottage food exemption (Va. Code §3.2-5130) applies. Smyth County is a rural southwest Virginia county. No county-specific cottage food ordinance identified beyond standard Virginia home occupation zoning requirements. For the VDACS Home Food Processing permit pathway, written zoning approval from the county is required.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	VDACS home food processing permit pathway requires pets excluded from food prep, storage, packaging, and equipment cleaning areas at all times via solid latching doors.
WATER SUPPLY	Private water supply requires coliform-free water test results for VDACS home food processing permit pathway.
HANDWASHING	Standard handwashing per GMP for VDACS permit pathway.
FOOD STORAGE	Proper storage to prevent contamination; pet exclusion required for VDACS permit pathway.

Inspection & permitting

INSPECTION REQUIRED	Conditional — VDACS home food processing permit: initial inspection required. Cottage food exemption: no routine inspection; complaint-based only.
HOME OCCUPATION PERMIT	Conditional — Smyth County likely has standard Virginia home occupation zoning provisions. Contact Smyth County Planning (Marion, VA) for specific requirements. For VDACS home food processing permit, written zoning approval is required.
LOCAL BUSINESS LICENSE	Conditional

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Conditional
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Virginia cottage food exemption: direct sales only. Home pickup and local delivery permitted for non-TCS shelf-stable items. Online sales allowed.
MAX EMPLOYEES IN HOME	Virginia state law does not specify a home-based food employee limit. Local zoning may restrict non-resident employee presence.

Relevant county code

Smyth County Zoning Ordinance (home occupation provisions); Va. Code §3.2-5130 (cottage food exemption); VDACS Home Food Processing regulations

RESEARCH NOTES

No Smyth County-specific cottage food or home occupation rules found. State baseline for Virginia applies. Medium confidence based on state baseline application.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.smythcountyva.gov/>

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

<https://law.lis.virginia.gov/vacode/3.2-5130/>

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

Smyth County and nearby places

Regulation	Smyth County	Wythe County	Russell County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	VDACS home food processing permit pathway requires pets excluded from food prep, storage, packaging, and equipment cleaning areas at all ti...	VDACS home food processing permit pathway requires pets excluded from food prep, storage, packaging, and equipment cleaning areas at all ti...	VDACS home food processing permit pathway requires pets excluded from food prep, storage, packaging, and equipment cleaning areas at all ti...
INSPECTION REQUIRED	Conditional	Conditional	Conditional
ON-SITE CUSTOMER PICKUP	Conditional	Conditional	Conditional
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Virginia cottage food exemption: direct sales only. Home pickup and local delivery permitted for non-TCS shelf-stable items. Online sales a...	Virginia cottage food exemption: direct sales only. Home pickup and local delivery permitted for non-TCS shelf-stable items. Online sales a...	Virginia cottage food exemption: direct sales only. Home pickup and local delivery permitted for non-TCS shelf-stable items. Online sales a...
HOME OCCUPATION PERMIT	Conditional	Conditional	Conditional
LOCAL BUSINESS LICENSE	Conditional	Conditional	Conditional
RESTRICTIONS	Virginia state cottage food exemption (Va. Code §3.2-5130) applies. Smyth County is a rural southwest Virginia county. No county-specific c...	Virginia state cottage food exemption (Va. Code §3.2-5130) applies. Wythe County is a rural southwest Virginia county. No county-specific c...	Virginia state cottage food exemption (Va. Code §3.2-5130) applies. Russell County is a rural southwest Virginia county. No county-specific...
FOOD STORAGE	Proper storage to prevent contamination; pet exclusion required for VDACS permit pathway.	Proper storage to prevent contamination; pet exclusion required for VDACS permit pathway.	Proper storage to prevent contamination; pet exclusion required for VDACS permit pathway.
POPULATION	29,799	28,275	25,763

State context — Virginia cottage food law

Smyth 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 Smyth 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/smyth-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 Smyth 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/smyth-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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