

COTTAGE FOOD LAW REPORT

Kanawha County

West Virginia · Charleston · FIPS 54039 · Population 179,895
· Crosodo Index #2454*

STATE BASELINE

W. Va. Code §19-40-1 through §19-40-6 (enacted 2026, eff. June 12, 2026); W. Va. Code §19-35-6

STATE TIER	ANNUAL SALES CAP (STATE)	CONFIDENCE	LAST VERIFIED
Good	—	MEDIUM	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.

How to start — 60-second path

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

HOME KITCHEN ALLOWED?

Yes

STATE SALES CAP

—

HOME OCCUPATION PERMIT?

Yes

ON-SITE / PORCH PICKUP?

Yes

INSPECTION

Upon-complaint

PETS

No explicit state restriction; good manufacturing practices apply.

BEFORE YOU SELL FROM THIS ADDRESS

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

CONTINUE ONLINE

[Open the live county page →](#)

[West Virginia label one-pager →](#)

[Local notes & questions →](#)

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

WEST VIRGINIA: KANAWHA COUNTY

CROSODO INDEX #2454* · FIPS 54039 · Charleston

Kanawha County

Population 179,895 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026, eff. June 12, 2026); W. Va. Code §19-35-6 · **MEDIUM**

QUICK VIEW FOR BAKERS IN THIS COUNTY**HOME KITCHEN ALLOWED?**

Yes (Nonpotentially hazardous foods: fully exempt from licensing, permitting, and inspection per §19-40-6 and §19-35-6. Potentially hazardous cottage foods: require WV Dept. of Agriculture permit (no food establishment permit needed for home sales). No sales cap. All sales must be within West Virginia. State preempts county/municipal restrictions on production and sale of homemade food items (§19-35-6(g)).)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No explicit state restriction; good manufacturing practices apply.

HOME OCCUPATION PERMIT?

Yes (Kanawha County requires home occupation permit for home-based businesses in residential zones. Max 25% of home floor area for business use. Only household members as employees. No external signage beyond small nameplate. Limited customer traffic. Charleston (county seat) has its own zoning rules distinct from county. State law preempts county/municipal restrictions on production and sale of homemade food items.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

Upon-complaint (State health department may investigate upon complaint of foodborne illness. No routine inspections for nonpotentially hazardous foods.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Nonpotentially hazardous foods: fully exempt from licensing, permitting, and inspection per §19-40-6 and §19-35-6. Potentially hazardous cottage foods: require WV Dept. of Agriculture permit (no food establishment permit needed for home sales). No sales cap. All sales must be within West Virginia. State preempts county/municipal restrictions on production and sale of homemade food items (§19-35-6(g)).
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	No explicit state restriction; good manufacturing practices apply.
WATER SUPPLY	Potable water supply required.
HANDWASHING	Adequate handwashing per food safety practices.
FOOD STORAGE	Appropriate storage for cottage food products.

Inspection & permitting

INSPECTION REQUIRED	Upon-complaint — State health department may investigate upon complaint of foodborne illness. No routine inspections for nonpotentially hazardous foods.
HOME OCCUPATION PERMIT	Yes — Kanawha County requires home occupation permit for home-based businesses in residential zones. Max 25% of home floor area for business use. Only household members as employees. No external signage beyond small nameplate. Limited customer traffic. Charleston (county seat) has its own zoning rules distinct from county. State law preempts county/municipal restrictions on production and sale of homemade food items.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct sales within West Virginia. In-person and remote sales permitted; delivery by producer, agent, or third-party carrier allowed.
MAX EMPLOYEES IN HOME	Household members only per county home occupation rules.

Relevant county code

W. Va. Code §19-40-1 through §19-40-6; Kanawha County Zoning Code §8A-7 (home occupations)

RESEARCH NOTES

Important update: WV SB 44 (2026) created W. Va. Code §19-40-1 through §19-40-6 as new operative cottage food law, effective June 12, 2026. Kanawha County zoning requires home occupation permit with max 25% floor area, household-only employees, and limited signage per CityRuleLookup. State law preempts county/municipal restrictions on homemade food production and sale. State law prohibits inclusion of meat, poultry, and dairy in cottage food definition.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.kanawha.us>

<https://oeh.dhhr.wv.gov/foodprotection/Pages/Cottage-Food.aspx>

https://www.wvlegislature.gov/Bill_Text_HTML/2019_SESSIONS/RS/bills/SB285%20SUB2%20ENR.pdf

<https://www.cityrulelookup.com/home-business/zoning/kanawha-county-wv>

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

Bordering counties — cottage food law

Regulation	Kanawha County	Raleigh County	Putnam County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No explicit state restriction; good manufacturing practices apply.	Not specified in state statute.	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during produ...
INSPECTION REQUIRED	Upon-complaint	Upon-complaint	Upon-complaint
ON-SITE CUSTOMER PICKUP	Yes	Yes	Conditional
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Direct sales within West Virginia. In-person and remote sales permitted; delivery by producer, agent, or third-party carrier allowed.	Direct sales within West Virginia only. No sales outside the state. Nonpotentially hazardous foods have no sales cap.	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed under home occupation definition if incidenta...
HOME OCCUPATION PERMIT	Yes	Varies	Conditional
LOCAL BUSINESS LICENSE	Varies	Varies	No
RESTRICTIONS	Nonpotentially hazardous foods: fully exempt from licensing, permitting, and inspection per §19-40-6 and §19-35-6. Potentially hazardous co...	Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require...	Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardou...
FOOD STORAGE	Appropriate storage for cottage food products.	Non-potentially hazardous products must be stored appropriately.	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.
POPULATION	179,895	74,303	57,347

State context — West Virginia cottage food law

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

STATUTE

W. Va. Code §19-40-1 through §19-40-6 (Article 40, Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets)

ANNUAL SALES CAP

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REGISTRATION REQUIRED

Depends

FOOD HANDLER CERT

No

KITCHEN INSPECTION

Upon-complaint

DIRECT SALES ONLY

Yes

INDIRECT SALES

No — Cottage food must be sold directly to consumers. The new Article 40 (effective June 12, 2026) establishes that potentially hazardous cottage food vendors need a statewide permit but nonpotentially hazardous food sellers are fully exempt from permit and inspection. Local health departments may invoke cessation of production only if an imminent health hazard exists, in consultation with the Department of Agriculture. The input batch cited §16-7-1 (a general adulteration statute), but the operative cottage food framework is now Article 40 (§19-40-1 through §19-40-6), signed March 27, 2026.

For the full state-level analysis including the verbatim statute text, see the [West Virginia cottage food law report](#) on Crosodo, or open the live guide: crosodo.com/states/west-virginia.

STATE-LEVEL REFERENCES

State statute: <https://code.wvlegislature.gov/16-7/>

State dept cottage food page: <https://oeh.dhhr.wv.gov/foodprotection/Pages/Cottage-Food.aspx>

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

Questions about Kanawha 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/west-virginia/kanawha-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 Kanawha County, West 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/west-virginia/kanawha-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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