

## COTTAGE FOOD LAW REPORT

# Monongalia County

West Virginia · Morgantown · FIPS 54061 · Population 105,988 · Crosodo Index #2578\*

## STATE BASELINE

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

## STATE TIER

Good

## ANNUAL SALES CAP (STATE)

—

## CONFIDENCE

HIGH

## LAST VERIFIED

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

Monongalia 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?

**Conditional**

### INSPECTION

**Upon-complaint**

### PETS

**No specific state restriction in the 2026 cottage food law.**

### 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: MONONGALIA COUNTY

CROSODO INDEX #2578\* · FIPS 54061 · Morgantown

# Monongalia County

Population 105,988 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· HIGH

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

Yes (West Virginia's 2026 SB 44 (eff. June 12, 2026) distinguishes: (1) nonpotentially hazardous foods — fully exempt from licensing, permitting, and inspection; (2) potentially hazardous cottage foods — require a WV Department of Agriculture permit but no food establishment permit for home sales. No sales cap. Sales must be within West Virginia. Meat, poultry, seafood, Grade A dairy excluded from cottage food definition.)

**SEPARATE KITCHEN REQUIRED?**

No

**PETS ALLOWED?**

No specific state restriction in the 2026 cottage food law.

**HOME OCCUPATION PERMIT?**

Yes (City of Morgantown requires a Home Occupation permit (Class 1 or Class 2) from the Planning Department plus a business license from the Finance Department. Class 1 (no on-site customer contact) is administratively approved. Class 2 (limited customer visits) requires Board of Zoning Appeals conditional use approval. Home occupations must be entirely within the principal building, not change residential character, have no exterior signs, and not employ non-residents except as otherwise provided by zoning. Retail sales shall not occur on a regular basis (Class 2 limits to 3 customers per day). Cottage food producers selling online with no customer pickups qualify as Class 1. Those with on-site pickup may need Class 2 approval.)

**ON-SITE / PORCH PICKUP?**

Conditional

**INSPECTION REQUIRED?**

Upon-complaint (Nonpotentially hazardous cottage foods are fully exempt from inspection. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit (includes inspection/oversight).)

**Home kitchen rules****HOME KITCHEN ALLOWED**

Yes — West Virginia's 2026 SB 44 (eff. June 12, 2026) distinguishes: (1) nonpotentially hazardous foods — fully exempt from licensing, permitting, and inspection; (2) potentially hazardous cottage foods — require a WV Department of Agriculture permit but no food establishment permit for home sales. No sales cap. Sales must be within West Virginia. Meat, poultry, seafood, Grade A dairy excluded from cottage food definition.

**SEPARATE DEDICATED KITCHEN**

No

**PET RESTRICTIONS**

No specific state restriction in the 2026 cottage food law.

**WATER SUPPLY**

No specific state requirement for cottage food operations.

**HANDWASHING**

Standard food safety practices required.

**FOOD STORAGE**

Nonpotentially hazardous foods: fully exempt. Potentially hazardous foods: require WV Dept. of Agriculture permit. Meat, poultry, seafood, Grade A dairy prohibited from cottage food classification.

## Inspection & permitting

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| INSPECTION REQUIRED    | Upon-complaint — Nonpotentially hazardous cottage foods are fully exempt from inspection. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit (includes inspection/oversight).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| HOME OCCUPATION PERMIT | Yes — City of Morgantown requires a Home Occupation permit (Class 1 or Class 2) from the Planning Department plus a business license from the Finance Department. Class 1 (no on-site customer contact) is administratively approved. Class 2 (limited customer visits) requires Board of Zoning Appeals conditional use approval. Home occupations must be entirely within the principal building, not change residential character, have no exterior signs, and not employ non-residents except as otherwise provided by zoning. Retail sales shall not occur on a regular basis (Class 2 limits to 3 customers per day). Cottage food producers selling online with no customer pickups qualify as Class 1. Those with on-site pickup may need Class 2 approval. |
| LOCAL BUSINESS LICENSE | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

## Customer-facing rules

|                         |                                                                                                                                                                                                                                                                                     |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ON-SITE CUSTOMER PICKUP | Conditional                                                                                                                                                                                                                                                                         |
| ON-SITE SIGNAGE         | No                                                                                                                                                                                                                                                                                  |
| DELIVERY / PICKUP RULES | In-state direct-to-consumer sales. City of Morgantown limits Class 2 home occupations to 3 customers per day on-premises. Delivery and off-site sales (markets, events) are Class 1 (easier approval). On-site customer pickup triggers Class 2 conditional use permit requirement. |
| MAX EMPLOYEES IN HOME   | City of Morgantown Home Occupation rules: no employment of non-residents except as otherwise provided by zoning ordinance.                                                                                                                                                          |

## Relevant county code

City of Morgantown Home Occupation Application Packet (Planning Department, 389 Spruce Street); W. Va. Code §19-40-1 et seq.

### RESEARCH NOTES

City of Morgantown Home Occupation Application Packet retrieved directly from [morgantownwv.gov](http://morgantownwv.gov). Details two classes of home occupation: Class 1 (administrative approval, no on-site customer contact) and Class 2 (conditional use by BZA, limited customer visits up to 3/day). Both classes require WV state business license plus City of Morgantown business license. No exterior signs. Monongalia County Health Department ([monchd.org](http://monchd.org)) regulates standard food establishments under WV 64 CSR 17; cottage food operations under the 2026 state law are exempt from food establishment permitting for nonpotentially hazardous foods. Confidence high due to county-specific zoning document retrieved directly from city government website.

### SOURCES VERIFIED AT RESEARCH TIME

<https://www.monchd.org/services/food-and-retail-establishment-permits>

<https://www.monongaliacounty.gov>

<https://www.morgantownwv.gov/DocumentCenter/View/147>

<https://www.monchd.org/services/food-and-retail-establishment-permits>

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

**Questions about this county?** Local notes and a place to leave a question: [crosodo.com/nb/west-virginia/monongalia-county-discuss](https://crosodo.com/nb/west-virginia/monongalia-county-discuss)

## Bordering counties — cottage food law

| Regulation                 | Monongalia County                                                                                                                              | Marion County                                                                                                                                   | Preston County                                                                                                                                 |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| HOME KITCHEN ALLOWED       | Yes                                                                                                                                            | Yes                                                                                                                                             | Yes                                                                                                                                            |
| SEPARATE DEDICATED KITCHEN | No                                                                                                                                             | No                                                                                                                                              | No                                                                                                                                             |
| PETS ALLOWED               | No specific state restriction in the 2026 cottage food law.                                                                                    | No specific WV state or Marion County rule.                                                                                                     | No specific pet restriction in state cottage food law.                                                                                         |
| INSPECTION REQUIRED        | Upon-complaint                                                                                                                                 | Upon-complaint                                                                                                                                  | Upon-complaint                                                                                                                                 |
| ON-SITE CUSTOMER PICKUP    | Conditional                                                                                                                                    | Conditional                                                                                                                                     | Yes                                                                                                                                            |
| ON-SITE SIGNAGE            | No                                                                                                                                             | Conditional                                                                                                                                     | Yes                                                                                                                                            |
| DELIVERY / PICKUP          | In-state direct-to-consumer sales. City of Morgantown limits Class 2 home occupations to 3 customers per day on-premises. Delivery and off-... | Direct to consumer. Sales must remain within West Virginia.                                                                                     | Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.              |
| HOME OCCUPATION PERMIT     | Yes                                                                                                                                            | Varies                                                                                                                                          | No                                                                                                                                             |
| LOCAL BUSINESS LICENSE     | Yes                                                                                                                                            | Varies                                                                                                                                          | No                                                                                                                                             |
| RESTRICTIONS               | West Virginia's 2026 SB 44 (eff. June 12, 2026) distinguishes: (1) nonpotentially hazardous foods — fully exempt from licensing, permitting... | Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous... | Preston County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licens... |
| FOOD STORAGE               | Nonpotentially hazardous foods: fully exempt. Potentially hazardous foods: require WV Dept. of Agriculture permit. Meat, poultry, seafood, ... | Products must be nonpotentially hazardous and shelf-stable (or obtain WVDA permit for potentially hazardous). Proper storage required.          | Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.                 |
| POPULATION                 | 105,988                                                                                                                                        | 56,194                                                                                                                                          | 33,432                                                                                                                                         |

## State context — West Virginia cottage food law

Monongalia 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](https://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 Monongalia 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/monongalia-county-discuss](https://crosodo.com/nb/west-virginia/monongalia-county-discuss)

## Classifieds

Resources for cottage food & home bakers · [crosodo.com/advertise](https://crosodo.com/advertise)

### NATIONAL

#### SUPPLIES

##### Advertise here — Supplies

Reach home bakers across the country. [crosodo.com/advertise](https://crosodo.com/advertise)

#### COURSES

##### Advertise here — Courses

Reach home bakers across the country. [crosodo.com/advertise](https://crosodo.com/advertise)

#### INSURANCE

##### Advertise here — Insurance

Reach home bakers across the country. [crosodo.com/advertise](https://crosodo.com/advertise)

### LOCAL

#### Advertise here

Reach home bakers in Monongalia County, West Virginia. Supply stores, farmers markets, kitchen rentals, and bakery services welcome.

[crosodo.com/advertise](https://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/monongalia-county-discuss](https://crosodo.com/nb/west-virginia/monongalia-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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