

COTTAGE BAKERY FROM HOME

Can I sell from my kitchen in Smyth County, Virginia?

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

STATE FOOD PERMIT

No

HOME OCCUPATION

Conditional

BUSINESS LICENSE

Conditional

SALES CAP

Tiered

VIRGINIA RULES. OPEN THESE FIRST.

[Virginia permits PDF](#)[Virginia cottage food law page](#)[Virginia Department of Agriculture and Consumer Services cottage food program](#)[Statute: Va. Code §3.2-5130 \(HB 402 / 2026 c. 605\)](#)**NOT LEGAL ADVICE**

This is what it takes to sell from a home kitchen in Smyth County. Confirm each step with Planning, Health, and the license office before you sell.

What you need

Smyth County, Virginia. File every Yes. Confirm every Check or Ask. Stay under the sales cap.

STATE FOOD PERMIT

No

ANNUAL SALES CAP

Tiered

HOME OCCUPATION / ZONING

Conditional

LOCAL HEALTH

Conditional

BUSINESS LICENSE

Conditional

PICKUP AT THE HOUSE

Conditional

HOME KITCHEN ONLY

If you want a shop or a rented commercial kitchen, these rows do not apply.

CONTINUE ONLINE

Virginia permits PDF →

<https://crosodo.com/reports/pdf/permits/virginia.pdf>

Virginia cottage food law page →

<https://crosodo.com/states/virginia>

Permit page for this place →

<https://crosodo.com/what-permits/virginia/smyth-county>

Smyth County cottage food law page →

<https://crosodo.com/states/virginia/smyth-county>

Not legal advice. Rules change. Confirm with the office before you file.

Where to file

State

Virginia registration: No. Routine kitchen inspection: 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/20261/HB402>

Virginia permits PDF: crosodo.com/reports/pdf/permits/virginia.pdf

State law page: crosodo.com/states/virginia

Virginia Department of Agriculture and Consumer Services: <https://www.vdacs.virginia.gov/food-information-for-vendors-and-businesses-home-food-processors.shtml>

Statute: [Va. Code §3.2-5130 \(HB 402 / 2026 c. 605\)](#)

Zoning / home occupation

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.

Health

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

Business license

Conditional

Pickup / delivery

Virginia cottage food exemption: direct sales only. Home pickup and local delivery permitted for non-TCS shelf-stable items. Online sales allowed.

If you rent a commissary kitchen

VDACS treats a commercial kitchen as a food-processing operation. Virginia cottage food is a home exemption. A commissary or commercial kitchen that manufactures food for sale needs a VDACS inspection and permit. VDACS publishes a commercial-kitchen food-processing application. Local health departments permit restaurants and similar food establishments.

Official source: [VDACS home and commercial kitchen businesses](#)

Local health office we have on file: <https://www.smythcountyva.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.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/>

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

More pages for this place

These Crosodo pages cover the same home cottage-food path:

Virginia permits PDF: crosodo.com/reports/pdf/permits/virginia.pdf

Virginia cottage food law: crosodo.com/states/virginia

Smyth County cottage food law: crosodo.com/states/virginia/smyth-county