

## COTTAGE BAKERY FROM HOME

# Can I sell from my kitchen in Fayette County, West Virginia?

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

STATE FOOD PERMIT

**Depends**

HOME OCCUPATION

**Conditional**

BUSINESS LICENSE

**Conditional**

SALES CAP

**—**

WEST VIRGINIA RULES. OPEN THESE FIRST.

[West Virginia permits PDF](#)[West Virginia cottage food law page](#)[West Virginia Department of Agriculture cottage food program](#)

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)

**NOT LEGAL ADVICE**

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

## What you need

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

### STATE FOOD PERMIT

**Depends**

### ANNUAL SALES CAP

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### HOME OCCUPATION / ZONING

**Conditional**

### LOCAL HEALTH

**Upon-complaint**

### 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

**West Virginia permits PDF →**

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

**West Virginia cottage food law page →**

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

**Permit page for this place →**

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

**Fayette County cottage food law page →**

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

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

## Where to file

### State

West Virginia registration: Depends. Routine kitchen inspection: Upon-complaint. 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.

West Virginia permits PDF: [crosodo.com/reports/pdf/permits/west-virginia.pdf](https://crosodo.com/reports/pdf/permits/west-virginia.pdf)

State law page: [crosodo.com/states/west-virginia](https://crosodo.com/states/west-virginia)

West Virginia Department of Agriculture: <https://oeh.dhhr.wv.gov/foodprotection/Pages/Cottage-Food.aspx>

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

### Zoning / home occupation

Conditional. Fayette County is a southern West Virginia county known for New River Gorge National Park and outdoor recreation. As a more tourism-active county, home-based businesses including cottage food may be more common. The county seat of Fayetteville may have local zoning with home occupation provisions. Home-based cottage food operators should verify with the Fayette County Commission or Planning Department.

### Health

Upon-complaint. Consumer complaint or suspected foodborne illness investigation by WV DHHR. WV Code §19-40-5 authorizes WVDA inspection for potentially hazardous cottage foods.

### Business license

Conditional

### Pickup / delivery

Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.

**If you rent a commissary kitchen**

**A commissary is a food establishment, not cottage food.** West Virginia cottage food is a home path. A commissary is a food establishment permitted by the local health department.

Official source: [WV food protection](#)

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

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**SOURCES**

<https://www.fayettecounty.gov>

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

## Fayette County and nearby places

| Regulation                 | Fayette County                                                                                                                                 | Greenbrier County                                                                                                                              | Nicholas County                                                                                                                                |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| HOME KITCHEN ALLOWED       | Yes                                                                                                                                            | Yes                                                                                                                                            | Yes                                                                                                                                            |
| SEPARATE DEDICATED KITCHEN | No                                                                                                                                             | No                                                                                                                                             | No                                                                                                                                             |
| PETS ALLOWED               | No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during produ... | No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during produ... | 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    | Conditional                                                                                                                                    | Conditional                                                                                                                                    | Conditional                                                                                                                                    |
| ON-SITE SIGNAGE            | Conditional                                                                                                                                    | Conditional                                                                                                                                    | Conditional                                                                                                                                    |
| DELIVERY / PICKUP          | Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain... | Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain... | Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain... |
| HOME OCCUPATION PERMIT     | Conditional                                                                                                                                    | Conditional                                                                                                                                    | Conditional                                                                                                                                    |
| LOCAL BUSINESS LICENSE     | Conditional                                                                                                                                    | Conditional                                                                                                                                    | No                                                                                                                                             |
| RESTRICTIONS               | Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardou... | Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardou... | Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardou... |
| FOOD STORAGE               | Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.                                | Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.                                | Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.                                |
| POPULATION                 | 43,973                                                                                                                                         | 34,722                                                                                                                                         | 25,295                                                                                                                                         |

## More pages for this place

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

West Virginia permits PDF: [crosodo.com/reports/pdf/permits/west-virginia.pdf](https://crosodo.com/reports/pdf/permits/west-virginia.pdf)

West Virginia cottage food law: [crosodo.com/states/west-virginia](https://crosodo.com/states/west-virginia)

Fayette County cottage food law: [crosodo.com/states/west-virginia/fayette-county](https://crosodo.com/states/west-virginia/fayette-county)