

COTTAGE BAKERY FROM HOME

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

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

STATE FOOD PERMIT

Depends

HOME OCCUPATION

Varies

BUSINESS LICENSE

Varies

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 Marion County. Confirm each step with Planning, Health, and the license office before you sell.

What you need

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

STATE FOOD PERMIT

Depends

ANNUAL SALES CAP

—

HOME OCCUPATION / ZONING

Varies

LOCAL HEALTH

Upon-complaint

BUSINESS LICENSE

Varies

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/marion-county>

Marion County cottage food law page →

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

State law page: 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

Varies. Marion County includes Fairmont, a small city. City of Fairmont may have home occupation ordinance provisions. County-level home occupation requirements may also apply. Contact Marion County government.

Health

Upon-complaint. WVDA may inspect potentially hazardous cottage food operations; DHHR may investigate on complaint.

Business license

Varies

Pickup / delivery

Direct to consumer. Sales must remain within West Virginia.

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.marioncounty.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.marioncounty.gov>

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

Marion County and nearby places

Regulation	Marion County	Harrison County	Taylor County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific WV state or Marion County rule.	No specific state prohibition; good manufacturing practice applies	No specific pet restriction in state cottage food law.
INSPECTION REQUIRED	Upon-complaint	Upon-complaint	Upon-complaint
ON-SITE CUSTOMER PICKUP	Conditional	Yes	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Yes
DELIVERY / PICKUP	Direct to consumer. Sales must remain within West Virginia.	Direct sales only; all sales must occur within West Virginia. Meat, poultry, seafood, and Grade A dairy excluded.	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.
HOME OCCUPATION PERMIT	Varies	Varies	No
LOCAL BUSINESS LICENSE	Varies	Varies	No
RESTRICTIONS	Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous...	Nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection under the new 2026 Article 40. Potential...	Taylor County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensi...
FOOD STORAGE	Products must be nonpotentially hazardous and shelf-stable (or obtain WVDA permit for potentially hazardous). Proper storage required.	Non-PHF foods must be properly stored; perishables require temperature control	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.
POPULATION	56,194	65,862	17,071

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

West Virginia cottage food law: crosodo.com/states/west-virginia

Marion County cottage food law: crosodo.com/states/west-virginia/marion-county