

COTTAGE BAKERY FROM HOME

Can I sell from my kitchen in Mercer 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 Mercer County. Confirm each step with Planning, Health, and the license office before you sell.

What you need

Mercer 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/mercer-county>

Mercer County cottage food law page →

<https://crosodo.com/states/west-virginia/mercer-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. Mercer County and City of Princeton may have home occupation zoning requirements. Operators should check with Mercer County Planning Commission.

Health

Upon-complaint. No routine inspection for nonpotentially hazardous cottage foods; potentially hazardous foods require a permit from WV Dept. of Agriculture.

Business license

Varies

Pickup / delivery

Direct sales to consumers within West Virginia only. Farmers markets, home pickup, events permitted. No out-of-state sales.

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.mercercounty.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.mercercounty.gov>

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

<https://code.wvlegislature.gov/19-40/>

Mercer County and nearby places

Regulation	Mercer County	Raleigh County	Wyoming County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific pet restriction in state cottage food law.	Not specified in state statute.	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 sales to consumers within West Virginia only. Farmers markets, home pickup, events permitted. No out-of-state sales.	Direct sales within West Virginia only. No sales outside the state. Nonpotentially hazardous foods have no sales cap.	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	West Virginia SB 44 (2026) created new §19-40-1 through §19-40-6. Nonpotentially hazardous cottage foods are fully exempt from licensing, p...	Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require...	Wyoming County (WV) has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from l...
FOOD STORAGE	Non-potentially hazardous foods must be stored appropriately.	Non-potentially hazardous products must be stored appropriately.	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.
POPULATION	59,530	74,303	21,711

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

Mercer County cottage food law: crosodo.com/states/west-virginia/mercero-county