

COTTAGE BAKERY FROM HOME

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

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

STATE FOOD PERMIT

Depends

HOME OCCUPATION

No

BUSINESS LICENSE

No

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

What you need

Upshur 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

No

LOCAL HEALTH

Upon-complaint

BUSINESS LICENSE

No

PICKUP AT THE HOUSE

Yes

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/upshur-county>

Upshur County cottage food law page →

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

No. Upshur County has no county-level zoning ordinance and does not require a home occupation permit for cottage food operations. State registration/permit required only for potentially hazardous foods through WV Dept. of Agriculture.

Health

Upon-complaint. No routine inspection for nonpotentially hazardous foods. Potentially hazardous foods require Dept. of Agriculture permit; complaint-based follow-up.

Business license

No

Pickup / delivery

Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate 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.upshurcounty.org/>

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.upshurcounty.org/>

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

Upshur County and nearby places

Regulation	Upshur County	Randolph County	Barbour County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific pet restriction in state cottage food law.	No specific pet restriction in state cottage food law.	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	Yes	Yes	Conditional
ON-SITE SIGNAGE	Yes	Yes	Conditional
DELIVERY / PICKUP	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.	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	No	No	Conditional
LOCAL BUSINESS LICENSE	No	No	No
RESTRICTIONS	Upshur County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensi...	Randolph County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licen...	Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardou...
FOOD STORAGE	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.
POPULATION	24,254	28,881	16,403

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

Upshur County cottage food law: crosodo.com/states/west-virginia/upshur-county