

COTTAGE FOOD LAW REPORT

West Virginia

A comprehensive guide to the cottage food statute, sales rules, and county-level zoning and health-department overlays for home bakers operating under 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).

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)

TIER	IJ GRADE	COUNTIES COVERED	LAST VERIFIED
Good	B	55	2026-05-05

IMPORTANT – NOT LEGAL ADVICE

This report compiles publicly-available statutes, regulations, and county zoning rules into a research reference. It is **not legal advice** and is provided **without warranty** as to accuracy, completeness, or current applicability.

Cottage food law changes frequently. Counties may amend zoning, health departments may issue new permits, and state legislatures may update statutes after the publication date shown above. **Always verify rules directly with your state department of health/agriculture and your county health and planning offices before relying on them for any business or regulatory decision.** Consult a licensed attorney for advice specific to your situation.

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Executive summary

This report covers the West Virginia cottage food framework — the state statute, the regulatory body administering it, what producers can and cannot sell, and county-level rules layered on top of state law for the 55 West Virginia counties included in this dataset.

ANNUAL SALES CAP

none

FOOD HANDLER CERTIFICATION

no

DIRECT SALES ONLY

yes

REGISTRATION REQUIRED

depends

KITCHEN INSPECTION

upon-complaint

INDIRECT SALES (RETAIL/ONLINE/WHOLESALE)

no — 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.

RESEARCH NOTES

Important update: West Virginia enacted SB 44 (2026 Regular Session), signed by the governor March 27, 2026, effective June 12, 2026. This creates a new Article 40 (§19-40-1 through §19-40-6) as the operative cottage food law. The input batch cited §16-7-1, which is the general adulteration statute and not the cottage food provision. The new law distinguishes: (1) nonpotentially hazardous foods — fully exempt from licensing, permitting, and inspection; (2) potentially hazardous cottage foods — require a Department of Agriculture permit (valid statewide), but no food establishment permit needed for home sales. No sales cap is established. The IJ grade of B from the input reflects the prior relatively permissive framework; the new 2026 law may improve this rating once IJ updates their assessment. The statute_url in the input points to the general adulteration chapter; the operative cottage food citation is now W. Va. Code §19-40-1 et seq.

Code of West Virginia, Chapter 19 Agriculture, Article 40 Cottage Foods (SB 44, 2026 Regular Session, enacted March 27, 2026, effective June 12, 2026)

CITATION

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)

ENACTED

2026

LAST AMENDED

2026

CONFIDENCE

HIGH

Allowed foods

Nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection (§19-40-6 and §19-35-6). Potentially hazardous cottage foods (those requiring temperature control for safety) require a permit from the WV Department of Agriculture but do not require a separate food establishment permit for home sales. All sales must occur within West Virginia.

Prohibited foods

Meat, meat products, poultry, poultry products, seafood, and Grade A dairy products are excluded from the cottage food definition. Cottage foods cannot be sold outside West Virginia. Foods served in commercial food establishments must comply with standard licensing requirements.

Labeling requirements

Under the parallel §19-35-6 framework for nonpotentially hazardous foods, labels must include product content, sources, and potential allergens, plus the statement: 'This product was made in a non-commercial kitchen that may not be subject to inspection and may contain cross-contact allergens not included in the allergen statement.' For potentially hazardous cottage foods, labeling standards will be set by the Department of Agriculture by legislative rule.

Statutory text — verbatim excerpt

Statute excerpt — verbatim

ARTICLE 40. COTTAGE FOODS. §19-40-1. Definitions. "Cottage food" means a food item intended for human consumption that is produced and, if packaged, packaged at the residential property of the producer and sold directly to a consumer. The term includes nonpotentially hazardous foods, but excludes meat, meat products, poultry, poultry products, seafood, and Grade A dairy products. "Cottage food vendor" means a home-based business producing and selling cottage foods. §19-40-2. Potentially hazardous cottage food vendor permits. (a) Except as provided in subsection (d) of this section, a person wanting to sell potentially hazardous cottage food shall apply for a potentially hazardous cottage food vendor permit from the department. (b) A potentially hazardous cottage food vendor permit, once issued, is valid in all counties in this state. A cottage food produced pursuant to this article shall be sold only within the geographic boundaries of the State of West Virginia. (c) Notwithstanding any other provisions of code or rule to the contrary, a potentially hazardous cottage food vendor permittee is not required to obtain a food establishment permit to sell from home. (d) The following are exempt from obtaining a potentially hazardous cottage food vendor permit: (1) A person selling fresh, uncut produce; (2) A person selling nonpotentially hazardous foods; and (3) A person selling other farm and food products that are identified by the department. §19-40-6. Nonpotentially hazardous foods. The production and sale of a nonpotentially hazardous food, when done in conformity with §19-35-6 and the accompanying legislative rules, is not subject to the provisions of this article.

Source: http://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=sb44%20sub1%20enr.htm&yr=2026&sesstype=RS&i=44

Official sources

Statute <https://code.wvlegislature.gov/16-7/>

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

Extension service <https://extension.wvu.edu/family-health/food-nutrition>

Forrager.com <https://forrager.com/law/west-virginia/>

State dept of agriculture / health: [West Virginia Department of Agriculture](#)

County-level rules

The state statute above sets the floor. Each county may add a home-occupation permit, business license, or zoning rule on top of state law. The 55 West Virginia counties below are sorted by population (largest first).

RANK 369 · FIPS 54039 · Charleston

Kanawha County

Population 179,895 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026, eff. June 12, 2026); W. Va. Code §19-35-6 · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous foods: fully exempt from licensing, permitting, and inspection per §19-40-6 and §19-35-6. Potentially hazardous cottage foods: require WV Dept. of Agriculture permit (no food establishment permit needed for home sales). No sales cap. All sales must be within West Virginia. State preempts county/municipal restrictions on production and sale of homemade food items (§19-35-6(g)).
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No explicit state restriction; good manufacturing practices apply.
WATER SUPPLY	Potable water supply required.
HANDWASHING	Adequate handwashing per food safety practices.
FOOD STORAGE	Appropriate storage for cottage food products.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — State health department may investigate upon complaint of foodborne illness. No routine inspections for nonpotentially hazardous foods.
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HOME OCCUPATION PERMIT	yes — Kanawha County requires home occupation permit for home-based businesses in residential zones. Max 25% of home floor area for business use. Only household members as employees. No external signage beyond small nameplate. Limited customer traffic. Charleston (county seat) has its own zoning rules distinct from county. State law preempts county/municipal restrictions on production and sale of homemade food items.
LOCAL BUSINESS LICENSE	varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct sales within West Virginia. In-person and remote sales permitted; delivery by producer, agent, or third-party carrier allowed.
MAX EMPLOYEES IN HOME	Household members only per county home occupation rules.

Relevant county code

W. Va. Code §19-40-1 through §19-40-6; Kanawha County Zoning Code §8A-7 (home occupations)

RESEARCH NOTES

Important update: WV SB 44 (2026) created W. Va. Code §19-40-1 through §19-40-6 as new operative cottage food law, effective June 12, 2026. The county seat 'Charleston' was blank in input — confirmed as Charleston. Kanawha County zoning requires home occupation permit with max 25% floor area, household-only employees, and limited signage per CityRuleLookup. State law preempts county/municipal restrictions on homemade food production and sale. State law prohibits inclusion of meat, poultry, and dairy in cottage food definition.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.kanawha.us>

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

https://www.wvlegislature.gov/Bill_Text_HTML/2019_SESSIONS/RS/bills/SB285%20SUB2%20ENR.pdf

<https://www.cityrulelookup.com/home-business/zoning/kanawha-county-wv>

RANK 509 · FIPS 54003 · Martinsburg

Berkeley County

Population 123,283 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (eff. June 12, 2026); nonpotentially hazardous foods fully exempt; PHF foods require WV Dept. of Agriculture permit; direct sales only within WV · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — West Virginia SB 44 (2026) created §19-40-1 et seq. Nonpotentially hazardous cottage foods fully exempt from licensing/permitting/inspection. PHF cottage foods require WVDA permit but no food establishment permit for home sales. All sales within WV only.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific state prohibition; standard food safety sanitation practices apply.
WATER SUPPLY	Potable water required per state food safety standards.
HANDWASHING	Standard food safety handwashing practices; no mandatory certification under WV cottage food law.
FOOD STORAGE	Non-TCS products stored per food safety standards. PHF products may require additional handling per WVDA permit conditions.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — Nonpotentially hazardous foods: no inspection required. PHF cottage foods: WVDA may inspect under permit authority. Complaint-driven investigation possible for either category.
HOME OCCUPATION PERMIT	yes — Berkeley County requires a home occupation permit for residential home-based businesses. Requirements per CityRuleLookup: home occupation permit required; business must be secondary to residential use; maximum 25% of home floor area for business; household members only as employees; no external signage beyond small nameplate; no excessive traffic, noise, or odors. Authority: WV Code §8A-7 (zoning authority). Martinsburg and Hedgesville have their own separate rules; this applies to unincorporated Berkeley County.
LOCAL BUSINESS LICENSE	varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	no
DELIVERY / PICKUP RULES	WV state law: direct sales only within West Virginia. No wholesale or retail store sales. Berkeley County home occupation permit may restrict customer traffic volumes.
MAX EMPLOYEES IN HOME	Household members only per Berkeley County home occupation regulations.

Relevant county code

Berkeley County Zoning Ordinance (home occupation provisions); W. Va. Code §8A-7; W. Va. Code §19-40-1 et seq.

RESEARCH NOTES

WV enacted a major new cottage food law (SB 44, 2026, eff. June 12, 2026) creating §19-40-1 et seq. Berkeley County home occupation requirements confirmed via CityRuleLookup (2026 data). Household-members-only employee rule and 25% floor area limit are specific Berkeley County provisions. Martinsburg (county seat) and Hedgesville have separate city-level rules. Note that WV state law was just updated in 2026; the oeh.dhhr.wv.gov URL referenced in input may reflect pre-2026 rules. Confidence medium.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.berkeleywv.org>

<https://www.berkeleywv.org>

<https://www.cityrulelookup.com/home-business/cottage-food/berkeley-county-wv>

<https://www.cityrulelookup.com/home-business/zoning/berkeley-county-wv>

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

RANK 569 · FIPS 54061 · Morgantown

Monongalia County

Population 105,988 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6 · **HIGH**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — West Virginia's 2026 SB 44 (eff. June 12, 2026) distinguishes: (1) nonpotentially hazardous foods — fully exempt from licensing, permitting, and inspection; (2) potentially hazardous cottage foods — require a WV Department of Agriculture permit but no food establishment permit for home sales. No sales cap. Sales must be within West Virginia. Meat, poultry, seafood, Grade A dairy excluded from cottage food definition.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific state restriction in the 2026 cottage food law.
WATER SUPPLY	No specific state requirement for cottage food operations.
HANDWASHING	Standard food safety practices required.
FOOD STORAGE	Nonpotentially hazardous foods: fully exempt. Potentially hazardous foods: require WV Dept. of Agriculture permit. Meat, poultry, seafood, Grade A dairy prohibited from cottage food classification.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — Nonpotentially hazardous cottage foods are fully exempt from inspection. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit (includes inspection/oversight).
HOME OCCUPATION PERMIT	yes — City of Morgantown requires a Home Occupation permit (Class 1 or Class 2) from the Planning Department plus a business license from the Finance Department. Class 1 (no on-site customer contact) is administratively approved. Class 2 (limited customer visits) requires Board of Zoning Appeals conditional use approval. Home occupations must be entirely within the principal building, not change residential character, have no exterior signs, and not employ non-residents except as otherwise provided by zoning. Retail sales shall not occur on a regular basis (Class 2 limits to 3 customers per day). Cottage food producers selling online with no customer pickups qualify as Class 1. Those with on-site pickup may need Class 2 approval.
LOCAL BUSINESS LICENSE	yes

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	no
DELIVERY / PICKUP RULES	In-state direct-to-consumer sales. City of Morgantown limits Class 2 home occupations to 3 customers per day on-premises. Delivery and off-site sales (markets, events) are Class 1 (easier approval). On-site customer pickup triggers Class 2 conditional use permit requirement.
MAX EMPLOYEES IN HOME	City of Morgantown Home Occupation rules: no employment of non-residents except as otherwise provided by zoning ordinance.

Relevant county code

City of Morgantown Home Occupation Application Packet (Planning Department, 389 Spruce Street); W. Va. Code §19-40-1 et seq.

RESEARCH NOTES

City of Morgantown Home Occupation Application Packet retrieved directly from morgantownwv.gov. Details two classes of home occupation: Class 1 (administrative approval, no on-site customer contact) and Class 2 (conditional use by BZA, limited customer visits up to 3/day). Both classes require WV state business license plus City of Morgantown business license. No exterior signs. Monongalia County Health Department (monchd.org) regulates standard food establishments under WV 64 CSR 17; cottage food operations under the 2026 state law are exempt from food establishment permitting for nonpotentially hazardous foods. Confidence high due to county-specific zoning document retrieved directly from city government website.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.monchd.org/services/food-and-retail-establishment-permits>

<https://www.monongaliacounty.gov>

<https://www.morgantownwv.gov/DocumentCenter/View/147>

<https://www.monchd.org/services/food-and-retail-establishment-permits>

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

RANK 631 · FIPS 54011 · Huntington

Cabell County

Population 93,965 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — West Virginia SB 44 (2026, effective June 12, 2026) creates new Article 40 (§19-40-1 through §19-40-6) as the operative cottage food law. Two categories: (1) Nonpotentially hazardous foods — fully exempt from licensing, permitting, and inspection; (2) Potentially hazardous cottage foods — require a WV Department of Agriculture permit (statewide), but no food establishment permit needed for home sales. No sales cap. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific restriction under WV cottage food law.
WATER SUPPLY	No specific requirement stated.
HANDWASHING	No specific statutory requirement; recommended as part of good manufacturing practices.
FOOD STORAGE	Nonpotentially hazardous cottage foods: no restriction. Potentially hazardous: require WV DOA permit and appropriate storage.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — WV Department of Agriculture may inspect upon complaint for potentially hazardous cottage foods. Nonpotentially hazardous foods are fully exempt from inspection.
HOME OCCUPATION PERMIT	varies — Cabell County (Huntington) may have local home occupation zoning requirements. No Cabell County-specific cottage food permit identified. Operators should check with Cabell County Commission or City of Huntington for home-based business rules.
LOCAL BUSINESS LICENSE	varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	conditional

DELIVERY / PICKUP RULES Direct-to-consumer sales within West Virginia. No out-of-state sales. Farmers markets, events, home pickup permitted. Prohibited: meat, poultry, seafood, Grade A dairy. No commercial food establishment sales.

MAX EMPLOYEES IN HOME No limit specified in WV cottage food law.

Relevant county code

No Cabell County-specific cottage food code identified.

RESEARCH NOTES

No Cabell County-specific cottage food rules found. West Virginia SB 44 (2026) is a major new cottage food law signed March 27, 2026, effective June 12, 2026. Cabell County (Huntington) is WV's second-largest city. The old WV cottage food rules under §16-7-1 are superseded by the new Article 40. The WV state baseline input URL (oeh.dhhr.wv.gov) may reflect prior rules; the new §19-40-1 et seq. is the operative citation.

SOURCES VERIFIED AT RESEARCH TIME

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

<https://code.wvlegislature.gov/16-7/>

RANK 675 · FIPS 54107 · Parkersburg

Wood County

Population 84,272 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (Article 40, Cottage Foods, enacted 2026); §19-35-6 · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED yes — West Virginia SB 44 (2026, eff. June 12, 2026): nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit (valid statewide) but no separate food establishment permit. Excluded: meat, meat products, poultry, poultry products, seafood, Grade A dairy. All sales must be within West Virginia.

SEPARATE DEDICATED KITCHEN no

PET RESTRICTIONS Not specified in the new 2026 law.

WATER SUPPLY No specific statutory requirement for cottage food in the new law.

HANDWASHING	No specific statutory requirement in the new law.
FOOD STORAGE	No specific statutory requirement in the new law.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — For nonpotentially hazardous foods: fully exempt from inspection. For potentially hazardous cottage foods: WV Dept. of Agriculture may inspect. Upon complaint investigations may occur.
HOME OCCUPATION PERMIT	varies — Wood County and the City of Parkersburg may have home occupation ordinances. No Wood County-specific cottage food ordinance identified. Producers should check with Wood County Commission or City of Parkersburg planning.
LOCAL BUSINESS LICENSE	varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct sales within West Virginia only. No sales outside WV. Products may not be served or used in commercial food establishments.
MAX EMPLOYEES IN HOME	Not specified in state law.

Relevant county code

No Wood County-specific cottage food code identified. W. Va. Code §19-40-1 et seq. governs.

RESEARCH NOTES

Wood County (Parkersburg) follows the new West Virginia SB 44 (2026) cottage food law, effective June 12, 2026. The new law (W. Va. Code §19-40-1 through §19-40-6) significantly deregulated cottage food: nonpotentially hazardous foods are fully exempt from licensing, permitting, and inspection. The DHHR page URL from the input may reflect the old law; new operative citation is §19-40-1 et seq. No county-specific overrides found. Confidence is medium: state law confirmed from state baseline research; county-level rules not verified.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 735 · FIPS 54081 · Beckley

Raleigh County

Population 74,303 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (eff. June 12, 2026); §19-35-6 · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit but no separate food establishment permit for home sales. Cannot sell outside West Virginia. Meat, poultry, seafood, and Grade A dairy excluded.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	Not specified in state statute.
WATER SUPPLY	Potable water required.
HANDWASHING	No food handler certification required at state level.
FOOD STORAGE	Non-potentially hazardous products must be stored appropriately.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — No routine inspection for nonpotentially hazardous foods. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. WVDA or health department may investigate upon complaint.
HOME OCCUPATION PERMIT	varies — New law (W. Va. Code §19-40-1 et seq., SB 44, eff. June 12, 2026) exempts nonpotentially hazardous cottage foods from all licensing, permitting, and inspection. Raleigh County may have local zoning home occupation requirements. County URLs confirmed in input.
LOCAL BUSINESS LICENSE	varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	conditional

DELIVERY / PICKUP RULES Direct sales within West Virginia only. No sales outside the state. Nonpotentially hazardous foods have no sales cap.

MAX EMPLOYEES IN HOME Not specified.

Relevant county code

W. Va. Code §19-40-1 through §19-40-6. No Raleigh County-specific code section found.

RESEARCH NOTES

West Virginia enacted a major cottage food expansion via SB 44 (2026 Regular Session), eff. June 12, 2026, creating W. Va. Code §19-40-1 through §19-40-6. Nonpotentially hazardous foods fully exempt from all licensing/permitting/inspection. Potentially hazardous cottage foods require a WVDA permit. County URLs confirmed in input data. No Raleigh County-specific overrides found. Confidence: medium (new state law confirmed in state baseline, county URLs confirmed, no specific county ordinance found).

SOURCES VERIFIED AT RESEARCH TIME

<https://www.raleighcounty.gov/health>

<https://www.raleighcounty.gov/planning>

<https://www.raleighcounty.gov>

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

<https://www.raleighcounty.gov>

RANK 806 · FIPS 54033 · Clarksburg

Harrison County

Population 65,862 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026, eff. June 12, 2026) · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED yes — Nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection under the new 2026 Article 40. Potentially hazardous cottage foods require a WV Department of Agriculture permit but no separate food establishment permit for home sales.

SEPARATE DEDICATED KITCHEN no

PET RESTRICTIONS No specific state prohibition; good manufacturing practice applies

WATER SUPPLY	Potable water required
HANDWASHING	Standard handwashing facilities required
FOOD STORAGE	Non-PHF foods must be properly stored; perishables require temperature control

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — Non-PHF operations: no routine inspection. PHF operations with permit: complaint-based or regulatory oversight
HOME OCCUPATION PERMIT	varies — No specific Harrison County home occupation permit for cottage food identified. Local zoning in Clarksburg or unincorporated Harrison County may apply. Contact Harrison County Commission at (304) 624-8500.
LOCAL BUSINESS LICENSE	varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct sales only; all sales must occur within West Virginia. Meat, poultry, seafood, and Grade A dairy excluded.
MAX EMPLOYEES IN HOME	No specific limit stated

Relevant county code

Not identified; contact Harrison County or City of Clarksburg for zoning

RESEARCH NOTES

West Virginia enacted SB 44 (2026) creating new Article 40 (§19-40-1 through §19-40-6). Non-PHF cottage foods fully exempt from licensing and inspection. PHF cottage foods need WV Department of Agriculture permit. No sales cap. Harrison County is a mid-size county with Clarksburg as county seat. No specific county health overrides found. Input data had no county-specific URLs.

SOURCES VERIFIED AT RESEARCH TIME

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

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

RANK 872 · FIPS 54055 · Princeton

Mercer County

Population 59,530 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026) ·

MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — West Virginia SB 44 (2026) created new §19-40-1 through §19-40-6. Nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must be within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate.
FOOD STORAGE	Non-potentially hazardous foods must be stored appropriately.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — No routine inspection for nonpotentially hazardous cottage foods; potentially hazardous foods require a permit from WV Dept. of Agriculture.
HOME OCCUPATION PERMIT	varies — Mercer County and City of Princeton may have home occupation zoning requirements. Operators should check with Mercer County Planning Commission.
LOCAL BUSINESS LICENSE	varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct sales to consumers within West Virginia only. Farmers markets, home pickup, events permitted. No out-of-state sales.

MAX EMPLOYEES IN HOME Not specified in state statute.

Relevant county code

Mercer County zoning (home occupation provisions); no specific cottage food county code identified.

RESEARCH NOTES

WV enacted SB 44 (2026, signed March 27, 2026, effective June 12, 2026) creating the new Article 40 (§19-40-1 through §19-40-6). No sales cap. The old citation §16-7-1 (general adulteration) was the prior reference. Nonpotentially hazardous foods fully exempt; potentially hazardous cottage foods need a state Dept. of Agriculture permit. Meat, poultry, seafood, and Grade A dairy excluded.

SOURCES VERIFIED AT RESEARCH TIME

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

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

RANK 894 · FIPS 54037 · Charles Town

Jefferson County

Population 58,043 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026) ·

MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — West Virginia SB 44 (2026) created new §19-40-1 through §19-40-6. Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must be within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate.
FOOD STORAGE	Non-potentially hazardous foods must be stored appropriately.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — No routine inspection for nonpotentially hazardous cottage foods; potentially hazardous foods require a WV Dept. of Agriculture permit.
HOME OCCUPATION PERMIT	varies — Jefferson County is in the eastern panhandle near the DC/Maryland metro area. Jefferson County may have home occupation zoning requirements. Operators should check with Jefferson County Planning Commission.
LOCAL BUSINESS LICENSE	varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct sales to consumers within West Virginia only. Farmers markets, home pickup, events permitted. No out-of-state sales.
MAX EMPLOYEES IN HOME	Not specified in state statute.

Relevant county code

Jefferson County zoning (home occupation provisions); no specific cottage food county code identified.

RESEARCH NOTES

WV SB 44 (2026) is the new operative law. Jefferson County is in WV's eastern panhandle — a growing DC suburb area. Note: out-of-state sales are prohibited, which is notable given this county's proximity to Maryland and Virginia. Meat, poultry, seafood, and Grade A dairy excluded from cottage food definition.

SOURCES VERIFIED AT RESEARCH TIME

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

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

RANK 901 · FIPS 54079 · Winfield

Putnam County

Population 57,347 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Putnam County zoning ordinance (Article 150/400 series, amended Oct. 2022 and May 2024) defines home occupation as incidental residential use that does not alter property exterior or neighborhood character. Cottage food operations meeting this definition may operate without a separate special permit in residential districts; operations with customer traffic or signage may require review. Contact Putnam County Planning & Infrastructure at putnamcountywv.gov .
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed under home occupation definition if incidental. Delivery also allowed.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Putnam County Zoning Ordinance Article 150 (Definitions), Article 400 (Single-Family Residential District), Article 1700.17D (Home Occupation) – amended 03/09/22

RESEARCH NOTES

WV enacted a new Cottage Foods Article 40 (§19-40-1 through §19-40-6) in 2026 via SB 44 (effective June 12, 2026). State law distinguishes nonpotentially hazardous (fully exempt) from potentially hazardous (WVDA permit required). Putnam County zoning confirms home occupation definition allows incidental home-based businesses without altering residential character. No county-specific cottage food override found. All sales must remain within WV. County URLs had no direct cottage food pages; state baseline applies.

SOURCES VERIFIED AT RESEARCH TIME

<https://putnamcountywv.gov/planning-and-infrastructure/ordinances/>

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

<https://putnamcountywv.gov/planning-and-infrastructure/ordinances/>

<https://putnamcountywv.gov/planning-and-infrastructure/wp-content/uploads/sites/6/2023/09/Complete-Zoning-Ordinance-Amended-October-2022.pdf>

RANK 912 • FIPS 54049 • Fairmont

Marion County

Population 56,194 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Sales must remain within WV.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state or Marion County rule.
WATER SUPPLY	No specific requirement; primary residence kitchen.
HANDWASHING	Standard sanitation practices; no formal requirement.
FOOD STORAGE	Products must be nonpotentially hazardous and shelf-stable (or obtain WVDA permit for potentially hazardous). Proper storage required.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — WVDA may inspect potentially hazardous cottage food operations; DHHR may investigate on complaint.
HOME OCCUPATION PERMIT	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.
LOCAL BUSINESS LICENSE	varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer. Sales must remain within West Virginia.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap.

Relevant county code

W. Va. Code §19-40-1 through §19-40-6; no Marion County-specific ordinance identified

RESEARCH NOTES

Marion County includes Fairmont (population ~18,000) and several smaller municipalities. WV enacted new Cottage Foods Article 40 in 2026. No county-specific cottage food rules found. State baseline applies. Meat, poultry, seafood, and Grade A dairy excluded from cottage food definition.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54001 · Philippi

Barbour County

Population 16,403 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
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HOME OCCUPATION PERMIT conditional — Barbour County is a rural Appalachian county in north-central West Virginia. Most of WV's rural counties lack comprehensive zoning, particularly for unincorporated areas. Barbour County likely has minimal or no formal zoning outside incorporated municipalities. Cottage food operations in residential areas should verify with the Barbour County Commission whether home occupation rules apply.

LOCAL BUSINESS LICENSE no

Customer-facing rules

ON-SITE CUSTOMER PICKUP conditional

ON-SITE SIGNAGE conditional

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

MAX EMPLOYEES IN HOME WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Barbour County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 (§19-40-1 through §19-40-6) in 2026 via SB 44 (effective June 12, 2026). Barbour County is a small rural county with limited local zoning in unincorporated areas. No county-specific cottage food rules identified. State baseline applies. WV's many rural counties typically have minimal zoning outside town limits.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54005 · Madison

Boone County

Population 21,799 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Boone County is a former coal-mining county in southern West Virginia along the Coal River. The county seat is Madison. Most rural areas of Boone County have limited formal zoning. Home-based cottage food operations in residential areas should verify with the Boone County Commission whether any home occupation rules apply.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
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ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Boone County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Boone County is a rural coal-region county with minimal formal zoning outside incorporated areas. No county-specific cottage food rules identified. State baseline applies.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54007 · Sutton

Braxton County

Population 13,817 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.

HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Braxton County is a rural central West Virginia county on the Elk River. The county seat is Sutton. Most unincorporated areas of Braxton County have minimal formal zoning. Home-based cottage food operations should verify with the Braxton County Commission whether any home occupation rules apply.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Braxton County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Braxton County is a rural central WV county. No county-specific cottage food rules identified. State baseline applies.

SOURCES VERIFIED AT RESEARCH TIME

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

Brooke County

Population 21,762 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Brooke County is the smallest West Virginia county by area, located in the Northern Panhandle along the Ohio River. The more urbanized character of this county (proximity to Wheeling and Weirton metro areas) means that local zoning may be more developed than many rural WV counties. Home-based cottage food operators should verify with Brooke County Planning or the County Commission regarding home occupation requirements.
LOCAL BUSINESS LICENSE	conditional

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Brooke County Planning Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Brooke County is in the Northern Panhandle near Wheeling/Weirton; may have more developed local zoning than typical rural WV counties. No county-specific cottage food rules identified. State baseline applies.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54013 · Grantsville

Calhoun County

Population 7,396 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.

WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Calhoun County is one of West Virginia's smallest and most rural counties with very low population density. Formal zoning outside incorporated Grantsville is unlikely. Home-based cottage food operations face minimal local regulatory barriers.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Calhoun County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Calhoun County is among WV's smallest counties by population; minimal local zoning expected. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54015 · Clay

Clay County

Population 8,590 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Clay County is a rural central West Virginia county on the Elk River. Very low population density with minimal formal zoning in unincorporated areas. Home-based cottage food operations face minimal local regulatory barriers.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Clay County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Clay County is a small rural WV county with minimal formal zoning. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54017 · West Union

Doddridge County

Population 8,530 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.

WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Doddridge County is a small rural north-central West Virginia county. Very low population density with minimal formal zoning in unincorporated areas. Home-based cottage food operations face minimal local regulatory barriers.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Doddridge County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Doddridge County is a small rural WV county with minimal formal zoning. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54019 · Fayetteville

Fayette County

Population 43,973 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	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.
LOCAL BUSINESS LICENSE	conditional

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Fayette County Commission/Planning; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Fayette County includes New River Gorge National Park; tourism-oriented economy may generate cottage food market opportunities. No county-specific cottage food overlay identified. State baseline applies.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54021 · Glenville

Gilmer County

Population 7,782 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6 ·

MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.

WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Gilmer County is a small rural central West Virginia county, home to Glenville State University. Minimal formal zoning in unincorporated areas. Home-based cottage food operations face minimal local regulatory barriers.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Gilmer County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Gilmer County is a small rural WV county with Glenville State University. Minimal local zoning in unincorporated areas. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54023 · Petersburg

Grant County

Population 11,726 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Grant County is in the Eastern Panhandle region of West Virginia, in the Potomac Highlands. Rural county with minimal formal zoning in unincorporated areas. Home-based cottage food operations face minimal local regulatory barriers.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Grant County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Grant County is in the Potomac Highlands; rural with minimal formal zoning. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54025 · Lewisburg

Greenbrier County

Population 34,722 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.

WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Greenbrier County is in the southern mountains of West Virginia, home to the historic Greenbrier resort and the charming town of Lewisburg (recently named a 'Coolest Small Town'). The county may have more developed local planning given its tourism economy. Home occupation rules may apply in Lewisburg city limits; unincorporated areas likely have minimal zoning. Verify with the Greenbrier County Commission or Lewisburg city government.
LOCAL BUSINESS LICENSE	conditional

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Greenbrier County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Greenbrier County is a larger WV county with tourism economy (The Greenbrier, Lewisburg arts scene). May have more developed local planning. No county-specific cottage food overlay identified. State baseline applies.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54027 · Romney

Hampshire County

Population 23,240 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Hampshire County is in the Eastern Panhandle of West Virginia, one of WV's oldest counties. Rural with moderate population. Home occupation rules may exist in Romney; unincorporated areas likely have minimal formal zoning. Home-based cottage food operators should verify with the Hampshire County Commission.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Hampshire County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Hampshire County is a historic Eastern Panhandle county with rural character. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54029 · New Cumberland

Hancock County

Population 28,839 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.

WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Hancock County is in the Northern Panhandle, the narrowest part of West Virginia, bordering Pennsylvania and Ohio. More urbanized than most WV counties due to proximity to Weirton metro area. Local zoning may be more developed than typical rural WV counties. Home occupation permit requirements should be verified with Hancock County Planning or the County Commission.
LOCAL BUSINESS LICENSE	conditional

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Hancock County Commission/Planning; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Hancock County is in the Northern Panhandle near Weirton; more urbanized than typical WV rural county. Local zoning may be more developed. No county-specific cottage food rules identified. State baseline applies.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54031 · Moorefield

Hardy County

Population 14,025 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Hardy County is in the Eastern Panhandle of West Virginia in the Potomac Highlands. Rural with an agricultural community. Home occupation rules may exist in Moorefield; unincorporated areas likely have minimal formal zoning. Home-based cottage food operators should verify with the Hardy County Commission.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Hardy County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Hardy County is in the Eastern Panhandle Potomac Highlands region with rural agricultural character. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54035 · Ripley

Jackson County

Population 28,945 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.

WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Jackson County is in western West Virginia on the Ohio River. Mid-sized county with Ripley as county seat. Home occupation rules may apply in incorporated areas; unincorporated areas likely have minimal formal zoning. Verify with the Jackson County Commission.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Jackson County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Jackson County is in western WV on the Ohio River. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54041 · Weston

Lewis County

Population 16,372 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Lewis County is in north-central West Virginia with Weston as county seat. Rural county with minimal formal zoning in unincorporated areas. Home-based cottage food operations face minimal local regulatory barriers.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Lewis County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Lewis County is a rural north-central WV county. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54043 · Hamlin

Lincoln County

Population 20,428 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.

WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Lincoln County is a rural southern West Virginia county on the Mud River. Minimal formal zoning in unincorporated areas. Home-based cottage food operations face minimal local regulatory barriers.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Lincoln County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Lincoln County is a rural southern WV county with minimal formal zoning. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

Logan County

Population 32,019 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Logan County is a former coal-mining county in southern West Virginia on the Guyandotte River. The county seat of Logan may have local ordinances. Rural unincorporated areas likely have minimal formal zoning. Home-based cottage food operators should verify with the Logan County Commission.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
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ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Logan County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Logan County is a coal-region county in southern WV. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54047 · Welch

McDowell County

Population 17,624 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.

FOOD STORAGE Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED 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.

HOME OCCUPATION PERMIT conditional — McDowell County is in the southernmost part of West Virginia, a historically significant coal-mining area. The county has experienced significant population decline. Minimal formal zoning in unincorporated areas. Home-based cottage food operations face minimal local regulatory barriers.

LOCAL BUSINESS LICENSE no

Customer-facing rules

ON-SITE CUSTOMER PICKUP conditional

ON-SITE SIGNAGE conditional

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

MAX EMPLOYEES IN HOME WV statute does not specify an employee cap for cottage food operations.

Relevant county code

McDowell County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. McDowell County is in the southernmost tip of WV; historically coal-dependent with significant population decline. Minimal local zoning. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54051 · Moundsville

Marshall County

Population 30,531 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Marshall County is in the Northern Panhandle of West Virginia on the Ohio River, with the county seat of Moundsville. The county is more industrialized than many WV counties. Local zoning may be more developed; home occupation rules may apply in Moundsville. Home-based cottage food operators should verify with Marshall County Planning or the County Commission.
LOCAL BUSINESS LICENSE	conditional

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Marshall County Commission/Planning; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Marshall County is in the Northern Panhandle; more industrialized with potentially more developed local zoning than rural WV counties. No county-specific cottage food rules identified. State baseline applies.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54053 · Point Pleasant

Mason County

Population 26,516 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.

WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Mason County is in western West Virginia at the confluence of the Ohio and Kanawha rivers, with Point Pleasant as the county seat. Known historically for the Mothman legend. Mid-sized county with limited formal zoning in unincorporated areas. Home-based cottage food operators should verify with the Mason County Commission.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Mason County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Mason County is at the Ohio/Kanawha confluence; tourism potential around Mothman festival. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54057 · Keyser

Mineral County

Population 26,781 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Mineral County is in the Eastern Panhandle of West Virginia, home to Potomac State College and Jennings Randolph Lake. Rural county with moderate population. Home occupation rules may exist in Keyser; unincorporated areas likely have minimal formal zoning. Verify with the Mineral County Commission.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Mineral County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Mineral County is in the Eastern Panhandle. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54059 · Williamson

Mingo County

Population 23,927 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.

WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Mingo County is in southern West Virginia on the Tug Fork of the Big Sandy River, bordering Kentucky. Known historically for the Hatfield-McCoy feud territory and now a popular ATV trail system. Rural county with minimal formal zoning in unincorporated areas.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Mingo County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Mingo County is in southern WV on the Tug Fork/Kentucky border; Hatfield-McCoy trail tourism. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54063 · Union

Monroe County

Population 13,277 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Monroe County is in the mountains of southern West Virginia, adjacent to the Virginia border. Small, rural county with minimal formal zoning in unincorporated areas. Sweet Springs Valley is known for agriculture. Home-based cottage food operations face minimal local regulatory barriers.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Monroe County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Monroe County is a small rural county on the VA border with agricultural character. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54065 · Berkeley Springs

Morgan County

Population 17,352 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.

WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Morgan County is in the Eastern Panhandle of West Virginia, known for Berkeley Springs (America's first spa town) and a growing arts/ tourism community. The county seat of Berkeley Springs has an artisan and foodie culture that may support cottage food markets. Local zoning may be more developed in the Berkeley Springs area; home occupation rules may apply. Verify with the Morgan County Commission or Town of Bath (Berkeley Springs).
LOCAL BUSINESS LICENSE	conditional

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Morgan County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Morgan County features Berkeley Springs spa/arts tourism; active artisan food community. Local zoning in Berkeley Springs town may have home occupation provisions. No county-specific cottage food overlay identified. State baseline applies.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54067 · Summersville

Nicholas County

Population 25,295 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Nicholas County is in central West Virginia, home to Summersville Lake (one of WV's largest lakes) and outdoor recreation tourism. The county seat of Summersville may have local ordinances. Rural unincorporated areas likely have minimal formal zoning. Verify with the Nicholas County Commission.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Nicholas County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Nicholas County is home to Summersville Lake and outdoor recreation. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54069 · Wheeling

Ohio County

Population 40,708 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.

WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Ohio County contains Wheeling, the largest city in northern West Virginia and a historic Ohio River city. As the most urbanized county in this batch, Ohio County and the City of Wheeling likely have more developed zoning codes with home occupation provisions. Cottage food operators in Wheeling or other incorporated areas should consult the City of Wheeling Zoning Code or Ohio County Commission regarding home occupation permit requirements.
LOCAL BUSINESS LICENSE	conditional

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed subject to local home occupation rules. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap; local home occupation rules in Wheeling may impose limits.

Relevant county code

Ohio County/City of Wheeling Zoning Code; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Ohio County contains Wheeling, the most urban county in this batch. City of Wheeling likely has home occupation zoning provisions. No county-specific cottage food overlay found. State baseline applies; operators in Wheeling should additionally check City zoning code.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54071 · Franklin

Pendleton County

Population 6,964 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
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HOME OCCUPATION PERMIT conditional — Pendleton County is the largest county by area in West Virginia and one of the least populous, located in the Potomac Highlands/ Allegheny Mountains. The Monongahela National Forest covers much of the county. Very rural with minimal formal zoning in unincorporated areas. Home-based cottage food operations face minimal local regulatory barriers.

LOCAL BUSINESS LICENSE no

Customer-facing rules

ON-SITE CUSTOMER PICKUP conditional

ON-SITE SIGNAGE conditional

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

MAX EMPLOYEES IN HOME WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Pendleton County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Pendleton County is WV's largest county by area with very low population density; largely Monongahela National Forest. Minimal local zoning. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54073 · Saint Marys

Pleasants County

Population 7,473 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

· MEDIUM

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous cottage foods require a WV Dept. of Agriculture permit. No sales cap. Must be produced in producer's domestic residence. All sales must occur within West Virginia.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
WATER SUPPLY	No specific state requirement for cottage food; public or private water acceptable.
HANDWASHING	Standard sanitation practices required; no formal state inspection trigger.
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

Inspection & permitting

INSPECTION REQUIRED	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.
HOME OCCUPATION PERMIT	conditional — Pleasants County is one of West Virginia's smallest and most rural counties, located in the northwest along the Ohio River, with Saint Marys as county seat. Very low population density with minimal formal zoning in unincorporated areas. Home-based cottage food operations face minimal local regulatory barriers.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	conditional
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ON-SITE SIGNAGE	conditional
DELIVERY / PICKUP RULES	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain within WV.
MAX EMPLOYEES IN HOME	WV statute does not specify an employee cap for cottage food operations.

Relevant county code

Pleasants County Commission; W. Va. Code §19-40-1 through §19-40-6

RESEARCH NOTES

Pattern county. WV enacted a new Cottage Foods Article 40 in 2026 via SB 44. Pleasants County is one of WV's smallest counties along the Ohio River with minimal local zoning. State baseline is the operative framework.

SOURCES VERIFIED AT RESEARCH TIME

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

RANK 9999 · FIPS 54075 · Marlinton

Pocahontas County

Population 8,247 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets) · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Pocahontas County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must remain within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate beyond general food safety practices.

FOOD STORAGE Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.

Inspection & permitting

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

HOME OCCUPATION PERMIT no — Pocahontas 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.

LOCAL BUSINESS LICENSE no

Customer-facing rules

ON-SITE CUSTOMER PICKUP yes

ON-SITE SIGNAGE yes

DELIVERY / PICKUP RULES Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.

MAX EMPLOYEES IN HOME Not specified in state statute.

Relevant county code

No county zoning ordinance. State law W. Va. Code §19-40-1 et seq. applies.

RESEARCH NOTES

Pocahontas County is a rural Appalachian county with no comprehensive county zoning. WV enacted SB 44 (2026) creating §19-40-1 through §19-40-6 as the operative cottage food law. No county-specific cottage food or home occupation regulations identified. State baseline applies in full.

SOURCES VERIFIED AT RESEARCH TIME

<https://pocahontascounty.org/>

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

RANK 9999 · FIPS 54077 · Kingwood

Preston County

Population 33,432 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets) · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Preston County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must remain within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate beyond general food safety practices.
FOOD STORAGE	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — No routine inspection for nonpotentially hazardous foods. Potentially hazardous foods require Dept. of Agriculture permit; complaint-based follow-up.
HOME OCCUPATION PERMIT	no — Preston 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.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	yes
DELIVERY / PICKUP RULES	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.

MAX EMPLOYEES IN HOME Not specified in state statute.

Relevant county code

No county zoning ordinance. State law W. Va. Code §19-40-1 et seq. applies.

RESEARCH NOTES

Preston County is a rural northern WV county with no comprehensive county zoning. WV enacted SB 44 (2026) creating §19-40-1 through §19-40-6 as the operative cottage food law. No county-specific cottage food or home occupation regulations identified. State baseline applies in full.

SOURCES VERIFIED AT RESEARCH TIME

<https://prestoncountywv.org/>

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

RANK 9999 · FIPS 54083 · Elkins

Randolph County

Population 28,881 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets) · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Randolph County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must remain within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate beyond general food safety practices.
FOOD STORAGE	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — No routine inspection for nonpotentially hazardous foods. Potentially hazardous foods require Dept. of Agriculture permit; complaint-based follow-up.
HOME OCCUPATION PERMIT	no — Randolph 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.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	yes
DELIVERY / PICKUP RULES	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.
MAX EMPLOYEES IN HOME	Not specified in state statute.

Relevant county code

No county zoning ordinance. State law W. Va. Code §19-40-1 et seq. applies.

RESEARCH NOTES

Randolph County is a rural central WV county with no comprehensive county zoning. The county seat Elkins has its own municipal regulations but county unincorporated areas follow state law only. WV enacted SB 44 (2026) creating §19-40-1 through §19-40-6 as the operative cottage food law. No county-specific cottage food or home occupation regulations identified. State baseline applies in full.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.randolphcountywv.com/>

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

RANK 9999 · FIPS 54085 · Harrisville

Ritchie County

Population 9,791 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets) · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Ritchie County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must remain within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate beyond general food safety practices.
FOOD STORAGE	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — No routine inspection for nonpotentially hazardous foods. Potentially hazardous foods require Dept. of Agriculture permit; complaint-based follow-up.
HOME OCCUPATION PERMIT	no — Ritchie 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.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	yes
DELIVERY / PICKUP RULES	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.

MAX EMPLOYEES IN HOME Not specified in state statute.

Relevant county code

No county zoning ordinance. State law W. Va. Code §19-40-1 et seq. applies.

RESEARCH NOTES

Ritchie County is a small rural WV county (population ~9,791) with no comprehensive county zoning. WV enacted SB 44 (2026) creating §19-40-1 through §19-40-6 as the operative cottage food law. No county-specific cottage food or home occupation regulations identified. State baseline applies in full.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.ritchiecountywv.org/>

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

RANK 9999 · FIPS 54087 · Spencer

Roane County

Population 13,789 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets) · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Roane County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must remain within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate beyond general food safety practices.
FOOD STORAGE	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — No routine inspection for nonpotentially hazardous foods. Potentially hazardous foods require Dept. of Agriculture permit; complaint-based follow-up.
HOME OCCUPATION PERMIT	no — Roane 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.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	yes
DELIVERY / PICKUP RULES	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.
MAX EMPLOYEES IN HOME	Not specified in state statute.

Relevant county code

No county zoning ordinance. State law W. Va. Code §19-40-1 et seq. applies.

RESEARCH NOTES

Roane County is a rural central WV county with no comprehensive county zoning. WV enacted SB 44 (2026) creating §19-40-1 through §19-40-6 as the operative cottage food law. No county-specific cottage food or home occupation regulations identified. State baseline applies in full.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.roanecountywv.org/>

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

RANK 9999 · FIPS 54089 · Hinton

Summers County

Population 12,511 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets) · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Summers County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must remain within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate beyond general food safety practices.
FOOD STORAGE	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — No routine inspection for nonpotentially hazardous foods. Potentially hazardous foods require Dept. of Agriculture permit; complaint-based follow-up.
HOME OCCUPATION PERMIT	no — Summers 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.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	yes
DELIVERY / PICKUP RULES	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.

MAX EMPLOYEES IN HOME Not specified in state statute.

Relevant county code

No county zoning ordinance. State law W. Va. Code §19-40-1 et seq. applies.

RESEARCH NOTES

Summers County is a rural southern WV county with no comprehensive county zoning. WV enacted SB 44 (2026) creating §19-40-1 through §19-40-6 as the operative cottage food law. No county-specific cottage food or home occupation regulations identified. State baseline applies in full.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.summerscountywv.org/>

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

RANK 9999 · FIPS 54091 · Grafton

Taylor County

Population 17,071 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets) · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Taylor County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must remain within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate beyond general food safety practices.
FOOD STORAGE	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — No routine inspection for nonpotentially hazardous foods. Potentially hazardous foods require Dept. of Agriculture permit; complaint-based follow-up.
HOME OCCUPATION PERMIT	no — Taylor 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.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	yes
DELIVERY / PICKUP RULES	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.
MAX EMPLOYEES IN HOME	Not specified in state statute.

Relevant county code

No county zoning ordinance. State law W. Va. Code §19-40-1 et seq. applies.

RESEARCH NOTES

Taylor County is a small rural north-central WV county with no comprehensive county zoning. WV enacted SB 44 (2026) creating §19-40-1 through §19-40-6 as the operative cottage food law. No county-specific cottage food or home occupation regulations identified. State baseline applies in full.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.taylorcountywv.org/>

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

RANK 9999 · FIPS 54093 · Parsons

Tucker County

Population 6,839 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets) · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Tucker County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must remain within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate beyond general food safety practices.
FOOD STORAGE	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — No routine inspection for nonpotentially hazardous foods. Potentially hazardous foods require Dept. of Agriculture permit; complaint-based follow-up.
HOME OCCUPATION PERMIT	no — Tucker 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.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	yes
DELIVERY / PICKUP RULES	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.

MAX EMPLOYEES IN HOME Not specified in state statute.

Relevant county code

No county zoning ordinance. State law W. Va. Code §19-40-1 et seq. applies.

RESEARCH NOTES

Tucker County is a small rural WV county (population ~6,839) with no comprehensive county zoning. Known for Canaan Valley and Blackwater Falls State Parks. WV enacted SB 44 (2026) creating §19-40-1 through §19-40-6 as the operative cottage food law. No county-specific cottage food or home occupation regulations identified. State baseline applies in full.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.tuckercountywv.org/>

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

RANK 9999 · FIPS 54095 · Middlebourne

Tyler County

Population 8,909 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets) · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Tyler County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must remain within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate beyond general food safety practices.
FOOD STORAGE	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — No routine inspection for nonpotentially hazardous foods. Potentially hazardous foods require Dept. of Agriculture permit; complaint-based follow-up.
HOME OCCUPATION PERMIT	no — Tyler 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.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	yes
DELIVERY / PICKUP RULES	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.
MAX EMPLOYEES IN HOME	Not specified in state statute.

Relevant county code

No county zoning ordinance. State law W. Va. Code §19-40-1 et seq. applies.

RESEARCH NOTES

Tyler County is a small rural northwestern WV county with no comprehensive county zoning. WV enacted SB 44 (2026) creating §19-40-1 through §19-40-6 as the operative cottage food law. No county-specific cottage food or home occupation regulations identified. State baseline applies in full.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.tylercountywv.org/>

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

RANK 9999 · FIPS 54097 · Buckhannon

Upshur County

Population 24,254 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets) · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Upshur County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must remain within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate beyond general food safety practices.
FOOD STORAGE	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — No routine inspection for nonpotentially hazardous foods. Potentially hazardous foods require Dept. of Agriculture permit; complaint-based follow-up.
HOME OCCUPATION PERMIT	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.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	yes
DELIVERY / PICKUP RULES	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.

MAX EMPLOYEES IN HOME Not specified in state statute.

Relevant county code

No county zoning ordinance. State law W. Va. Code §19-40-1 et seq. applies.

RESEARCH NOTES

Upshur County is a rural central WV county with no comprehensive county zoning. The county seat Buckhannon may have municipal regulations but county unincorporated areas follow state law only. WV enacted SB 44 (2026) creating §19-40-1 through §19-40-6 as the operative cottage food law. No county-specific cottage food or home occupation regulations identified. State baseline applies in full.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.upshurcounty.org/>

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

RANK 9999 · FIPS 54099 · Wayne

Wayne County

Population 39,402 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets) · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Wayne County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must remain within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate beyond general food safety practices.
FOOD STORAGE	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — No routine inspection for nonpotentially hazardous foods. Potentially hazardous foods require Dept. of Agriculture permit; complaint-based follow-up.
HOME OCCUPATION PERMIT	no — Wayne 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.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	yes
DELIVERY / PICKUP RULES	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.
MAX EMPLOYEES IN HOME	Not specified in state statute.

Relevant county code

No county zoning ordinance. State law W. Va. Code §19-40-1 et seq. applies.

RESEARCH NOTES

Wayne County is a rural southwestern WV county (Huntington metro fringe) with no comprehensive county zoning. WV enacted SB 44 (2026) creating §19-40-1 through §19-40-6 as the operative cottage food law. No county-specific cottage food or home occupation regulations identified. State baseline applies in full.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.waynecountywv.org/>

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

RANK 9999 · FIPS 54101 · Webster Springs

Webster County

Population 8,294 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets) · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Webster County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must remain within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate beyond general food safety practices.
FOOD STORAGE	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — No routine inspection for nonpotentially hazardous foods. Potentially hazardous foods require Dept. of Agriculture permit; complaint-based follow-up.
HOME OCCUPATION PERMIT	no — Webster 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.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	yes
DELIVERY / PICKUP RULES	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.

MAX EMPLOYEES IN HOME Not specified in state statute.

Relevant county code

No county zoning ordinance. State law W. Va. Code §19-40-1 et seq. applies.

RESEARCH NOTES

Webster County is one of the most rural WV counties (population ~8,294) with no comprehensive county zoning. WV enacted SB 44 (2026) creating §19-40-1 through §19-40-6 as the operative cottage food law. No county-specific cottage food or home occupation regulations identified. State baseline applies in full.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.webstercountywv.org/>

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

RANK 9999 · FIPS 54103 · New Martinsville

Wetzel County

Population 15,525 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets) · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Wetzel County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must remain within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate beyond general food safety practices.
FOOD STORAGE	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — No routine inspection for nonpotentially hazardous foods. Potentially hazardous foods require Dept. of Agriculture permit; complaint-based follow-up.
HOME OCCUPATION PERMIT	no — Wetzel 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.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	yes
DELIVERY / PICKUP RULES	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.
MAX EMPLOYEES IN HOME	Not specified in state statute.

Relevant county code

No county zoning ordinance. State law W. Va. Code §19-40-1 et seq. applies.

RESEARCH NOTES

Wetzel County is a rural northwestern WV county along the Ohio River with no comprehensive county zoning. WV enacted SB 44 (2026) creating §19-40-1 through §19-40-6 as the operative cottage food law. No county-specific cottage food or home occupation regulations identified. State baseline applies in full.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.wetzelcountywv.org/>

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

RANK 9999 · FIPS 54105 · Elizabeth

Wirt County

Population 5,717 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets) · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Wirt County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must remain within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate beyond general food safety practices.
FOOD STORAGE	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — No routine inspection for nonpotentially hazardous foods. Potentially hazardous foods require Dept. of Agriculture permit; complaint-based follow-up.
HOME OCCUPATION PERMIT	no — Wirt 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.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	yes
DELIVERY / PICKUP RULES	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.

MAX EMPLOYEES IN HOME Not specified in state statute.

Relevant county code

No county zoning ordinance. State law W. Va. Code §19-40-1 et seq. applies.

RESEARCH NOTES

Wirt County is among the smallest WV counties by population (~5,717) with no comprehensive county zoning. WV enacted SB 44 (2026) creating §19-40-1 through §19-40-6 as the operative cottage food law. No county-specific cottage food or home occupation regulations identified. State baseline applies in full.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.wirtcountywv.org/>

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

RANK 9999 · FIPS 54109 · Pineville

Wyoming County

Population 21,711 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets) · **MEDIUM**

Home kitchen rules

HOME KITCHEN ALLOWED	yes — Wyoming County (WV) has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must remain within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	no
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate beyond general food safety practices.
FOOD STORAGE	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.

Inspection & permitting

INSPECTION REQUIRED	upon-complaint — No routine inspection for nonpotentially hazardous foods. Potentially hazardous foods require Dept. of Agriculture permit; complaint-based follow-up.
HOME OCCUPATION PERMIT	no — Wyoming County (WV) 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.
LOCAL BUSINESS LICENSE	no

Customer-facing rules

ON-SITE CUSTOMER PICKUP	yes
ON-SITE SIGNAGE	yes
DELIVERY / PICKUP RULES	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.
MAX EMPLOYEES IN HOME	Not specified in state statute.

Relevant county code

No county zoning ordinance. State law W. Va. Code §19-40-1 et seq. applies.

RESEARCH NOTES

Wyoming County (WV) is a rural southern WV coal-country county with no comprehensive county zoning. Note: FIPS 54109 is Wyoming County, WV — not to be confused with Wyoming State. WV enacted SB 44 (2026) creating §19-40-1 through §19-40-6 as the operative cottage food law. No county-specific cottage food or home occupation regulations identified. State baseline applies in full.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.wyomingcountywv.org/>

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

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