

## COTTAGE FOOD LAW REPORT

# Smyth County

Virginia · Marion · FIPS 51173 · Population 29,137 · Crosodo  
Index #1703\*

STATE BASELINE	STATE TIER	ANNUAL SALES CAP (STATE)	CONFIDENCE	LAST VERIFIED
Va. Code §3.2-5130	Good	Tiered	MEDIUM	2026-05-06

**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.

VIRGINIA: SMYTH COUNTY

CROSODO INDEX #1703\* · FIPS 51173 · Marion

# Smyth County

Population 29,137 · State baseline: Va. Code §3.2-5130 · **MEDIUM**

## QUICK VIEW FOR BAKERS IN THIS COUNTY

**HOME KITCHEN ALLOWED?**

Yes (Virginia state cottage food exemption (Va. Code §3.2-5130) applies. Smyth County is a rural southwest Virginia county. No county-specific cottage food ordinance identified beyond standard Virginia home occupation zoning requirements. For the VDACS Home Food Processing permit pathway, written zoning approval from the county is required.)

**SEPARATE KITCHEN REQUIRED?**

No

**PETS ALLOWED?**

VDACS home food processing permit pathway requires pets excluded from food prep, storage, packaging, and equipment cleaning areas at all times via solid latching doors.

**HOME OCCUPATION PERMIT?**

Conditional (Smyth County likely has standard Virginia home occupation zoning provisions. Contact Smyth County Planning (Marion, VA) for specific requirements. For VDACS home food processing permit, written zoning approval is required.)

**ON-SITE / PORCH PICKUP?**

Conditional

**INSPECTION REQUIRED?**

Conditional (VDACS home food processing permit: initial inspection required. Cottage food exemption: no routine inspection; complaint-based only.)

## Home kitchen rules

<b>HOME KITCHEN ALLOWED</b>	Yes — Virginia state cottage food exemption (Va. Code §3.2-5130) applies. Smyth County is a rural southwest Virginia county. No county-specific cottage food ordinance identified beyond standard Virginia home occupation zoning requirements. For the VDACS Home Food Processing permit pathway, written zoning approval from the county is required.
<b>SEPARATE DEDICATED KITCHEN</b>	No
<b>PET RESTRICTIONS</b>	VDACS home food processing permit pathway requires pets excluded from food prep, storage, packaging, and equipment cleaning areas at all times via solid latching doors.
<b>WATER SUPPLY</b>	Private water supply requires coliform-free water test results for VDACS home food processing permit pathway.
<b>HANDWASHING</b>	Standard handwashing per GMP for VDACS permit pathway.
<b>FOOD STORAGE</b>	Proper storage to prevent contamination; pet exclusion required for VDACS permit pathway.

## Inspection & permitting

<b>INSPECTION REQUIRED</b>	Conditional — VDACS home food processing permit: initial inspection required. Cottage food exemption: no routine inspection; complaint-based only.
<b>HOME OCCUPATION PERMIT</b>	Conditional — Smyth County likely has standard Virginia home occupation zoning provisions. Contact Smyth County Planning (Marion, VA) for specific requirements. For VDACS home food processing permit, written zoning approval is required.
<b>LOCAL BUSINESS LICENSE</b>	Conditional

### Customer-facing rules

ON-SITE CUSTOMER PICKUP	Conditional
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Virginia cottage food exemption: direct sales only. Home pickup and local delivery permitted for non-TCS shelf-stable items. Online sales allowed.
MAX EMPLOYEES IN HOME	Virginia state law does not specify a home-based food employee limit. Local zoning may restrict non-resident employee presence.

### Relevant county code

Smyth County Zoning Ordinance (home occupation provisions); Va. Code §3.2-5130 (cottage food exemption); VDACS Home Food Processing regulations

#### RESEARCH NOTES

No Smyth County-specific cottage food or home occupation rules found. State baseline for Virginia applies. Medium confidence based on state baseline application.

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#### SOURCES VERIFIED AT RESEARCH TIME

<https://www.smythcountyva.gov/>

<https://www.vdacs.virginia.gov/food-information-for-vendors-and-businesses-home-food-processors.shtml>

<https://law.lis.virginia.gov/vacode/3.2-5130/>

**Questions?** Join the Crosodo Forum to discuss your county’s specific zoning rules at <https://crosodo.com/nb/virginia/smyth-county-discuss>

## State context — Virginia cottage food law

Smyth County's rules sit on top of Virginia's state cottage food framework. The state law sets the floor — counties can add but cannot remove protections.

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### STATUTE

Va. Code §3.2-5130

### ANNUAL SALES CAP

Tiered

### REGISTRATION REQUIRED

No

### FOOD HANDLER CERT

No

### KITCHEN INSPECTION

No

### DIRECT SALES ONLY

Yes

### INDIRECT SALES

No — Products must be sold in person in the Commonwealth to an individual for his own consumption and not for resale or consignment. They cannot be offered for sale to be used in or offered for consumption in retail food establishments. Sales venues are limited to: private home, temporary event (no more than 14 consecutive days), or farmers market. Internet advertising is explicitly permitted but sales must remain in-person and in-state.

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For the full state-level analysis including the verbatim statute text, see the [Virginia cottage food law report](#).

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### STATE-LEVEL REFERENCES

State statute: <https://law.lis.virginia.gov/vacode/3.2-5130/>

State dept cottage food page: <https://www.vdacs.virginia.gov/food-information-for-vendors-and-businesses-home-food-processors.shtml>

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

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## Questions?

Join the Crosodo Forum to discuss Smyth County's specific zoning rules, permits, and what other home bakers are seeing locally.

<https://crosodo.com/nb/virginia/smyth-county-discuss>

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