

COTTAGE FOOD LAW REPORT

Clay County

West Virginia · Clay · FIPS 54015 · Population 8,590 ·
Crosodo Index #1791*

STATE BASELINE

W. Va. Code §19-40-1 through §19-40-6 (enacted 2026); §19-35-6

STATE TIER

Good

ANNUAL SALES CAP (STATE)

—

CONFIDENCE

MEDIUM

LAST VERIFIED

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.

WEST VIRGINIA: CLAY COUNTY

CROSODO INDEX #1791* · 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

QUICK VIEW FOR BAKERS IN THIS COUNTY

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 KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.

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.)

ON-SITE / PORCH PICKUP?

Conditional

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 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://www.claycounty.gov>

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

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

Bordering counties — cottage food law

Regulation	Clay County	Braxton County	Calhoun County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during produ...	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during produ...	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during produ...
INSPECTION REQUIRED	Upon-complaint	Upon-complaint	Upon-complaint
ON-SITE CUSTOMER PICKUP	Conditional	Conditional	Conditional
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain...	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain...	Direct to consumer sales permitted under WV law. Customer pickup at home is generally allowed. Delivery also allowed. All sales must remain...
HOME OCCUPATION PERMIT	Conditional	Conditional	Conditional
LOCAL BUSINESS LICENSE	No	No	No
RESTRICTIONS	Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardou...	Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardou...	Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardou...
FOOD STORAGE	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.
POPULATION	8,590	13,817	7,396

State context — West Virginia cottage food law

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

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)

ANNUAL SALES CAP

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REGISTRATION REQUIRED

Depends

FOOD HANDLER CERT

No

KITCHEN INSPECTION

Upon-complaint

DIRECT SALES ONLY

Yes

INDIRECT SALES

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.

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

STATE-LEVEL REFERENCES

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

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

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

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

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

Classifieds

Resources for cottage food & home bakers · crosodo.com/advertise

NATIONAL

SUPPLIES

Advertise here — Supplies

Reach home bakers across the country. crosodo.com/advertise

COURSES

Advertise here — Courses

Reach home bakers across the country. crosodo.com/advertise

INSURANCE

Advertise here — Insurance

Reach home bakers across the country. crosodo.com/advertise

LOCAL

Advertise here

Reach home bakers in Clay County, West Virginia. Supply stores, farmers markets, kitchen rentals, and bakery services welcome.

crosodo.com/advertise

Your business here

Local cottage food listings, kitchen rentals, co-packer referrals, and community events — post yours free on the Crosodo Forum.

crosodo.com/nb/west-virginia/clay-county-discuss

Free ad space available

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