

COTTAGE FOOD LAW REPORT

# Harrison County

West Virginia · Clarksburg · FIPS 54033 · Population 65,862 ·  
Crosodo Index #2373\*

STATE BASELINE

W. Va. Code §19-40-1 through §19-40-6 (enacted 2026, eff. June 12, 2026)

STATE TIER

Good

ANNUAL SALES CAP (STATE)

—

CONFIDENCE

MEDIUM

LAST VERIFIED

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.

WEST VIRGINIA: HARRISON COUNTY

CROSODO INDEX #2373\* · 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**

## QUICK VIEW FOR BAKERS IN THIS COUNTY

**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 KITCHEN REQUIRED?**

No

**PETS ALLOWED?**

No specific state prohibition; good manufacturing practice applies

**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.)

**ON-SITE / PORCH PICKUP?**

Yes

**INSPECTION REQUIRED?**

Upon-complaint (Non-PHF operations: no routine inspection. PHF operations with permit: complaint-based or regulatory oversight)

## Home kitchen rules

<b>HOME KITCHEN ALLOWED</b>	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.
<b>SEPARATE DEDICATED KITCHEN</b>	No
<b>PET RESTRICTIONS</b>	No specific state prohibition; good manufacturing practice applies
<b>WATER SUPPLY</b>	Potable water required
<b>HANDWASHING</b>	Standard handwashing facilities required
<b>FOOD STORAGE</b>	Non-PHF foods must be properly stored; perishables require temperature control

## Inspection & permitting

<b>INSPECTION REQUIRED</b>	Upon-complaint — Non-PHF operations: no routine inspection. PHF operations with permit: complaint-based or regulatory oversight
<b>HOME OCCUPATION PERMIT</b>	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.
<b>LOCAL BUSINESS LICENSE</b>	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.

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#### SOURCES VERIFIED AT RESEARCH TIME

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

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

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

## Bordering counties — cottage food law

Regulation	Harrison County	Marion County	Barbour County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific state prohibition; good manufacturing practice applies	No specific WV state or Marion County rule.	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during produ...
INSPECTION REQUIRED	Upon-complaint	Upon-complaint	Upon-complaint
ON-SITE CUSTOMER PICKUP	Yes	Conditional	Conditional
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Direct sales only; all sales must occur within West Virginia. Meat, poultry, seafood, and Grade A dairy excluded.	Direct to consumer. Sales must remain within West Virginia.	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	Varies	Varies	Conditional
LOCAL BUSINESS LICENSE	Varies	Varies	No
RESTRICTIONS	Nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection under the new 2026 Article 40. Potential...	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	Non-PHF foods must be properly stored; perishables require temperature control	Products must be nonpotentially hazardous and shelf-stable (or obtain WVDA permit for potentially hazardous). Proper storage required.	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.
POPULATION	65,862	56,194	16,403

## State context — West Virginia cottage food law

Harrison 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.

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### 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.

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

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### 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/>

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## Questions?

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

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

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