

COTTAGE FOOD LAW REPORT

Marion County

West Virginia · Fairmont · FIPS 54049 · Population 56,194 ·
Crosodo Index #2757*

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

2026-05-05

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.

How to start — 60-second path

Marion County, West Virginia — permit, pickup, and label steps before the full county rules.

HOME KITCHEN ALLOWED?

Yes

STATE SALES CAP

—

HOME OCCUPATION PERMIT?

Varies

ON-SITE / PORCH PICKUP?

Conditional

INSPECTION

Upon-complaint

PETS

No specific WV state or Marion County rule.

BEFORE YOU SELL FROM THIS ADDRESS

- ☐ **1. Menu** — Confirm each product under West Virginia cottage food rules (county cannot expand a state ban).
- ☐ **2. Pickup & zoning** — Home occupation and porch pickup cells above; HOA/lease may still block customer traffic.
- ☐ **3. Local tax / license** — Business license or sales tax certificate if your city/parish requires it (common even with no state food permit).
- ☐ **4. Training** — Food handler or state registration before market day.
- ☐ **5. Labels** — Disclaimer, allergens, ingredients, net quantity, producer info.
- ☐ **6. Call if unclear** — County health and planning for your exact address.

LABEL FIELDS TO INCLUDE

- ☐ Product name · producer name · address (or allowed alternative)
- ☐ Ingredients by weight · major allergens · net weight/quantity
- ☐ West Virginia home-kitchen disclaimer (see live label one-pager)

CONTINUE ONLINE

[Open the live county page →](#)

[West Virginia label one-pager →](#)

[Local notes & questions →](#)

Planning path only — not legal advice. Rules change. Always verify with state and local offices before selling.

WEST VIRGINIA: MARION COUNTY

CROSODO INDEX #2757* · 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

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. Sales must remain within WV.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific WV state or Marion County rule.

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.)

ON-SITE / PORCH PICKUP?

Conditional

INSPECTION REQUIRED?

Upon-complaint (WVDA may inspect potentially hazardous cottage food operations; DHHR may investigate on complaint.)

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://www.marioncounty.gov>

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

Questions about this county? Local notes and a place to leave a question: crosodo.com/nb/west-virginia/marion-county-discuss

Bordering counties — cottage food law

Regulation	Marion County	Harrison County	Monongalia County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific WV state or Marion County rule.	No specific state prohibition; good manufacturing practice applies	No specific state restriction in the 2026 cottage food law.
INSPECTION REQUIRED	Upon-complaint	Upon-complaint	Upon-complaint
ON-SITE CUSTOMER PICKUP	Conditional	Yes	Conditional
ON-SITE SIGNAGE	Conditional	Conditional	No
DELIVERY / PICKUP	Direct to consumer. Sales must remain within West Virginia.	Direct sales only; all sales must occur within West Virginia. Meat, poultry, seafood, and Grade A dairy excluded.	In-state direct-to-consumer sales. City of Morgantown limits Class 2 home occupations to 3 customers per day on-premises. Delivery and off-...
HOME OCCUPATION PERMIT	Varies	Varies	Yes
LOCAL BUSINESS LICENSE	Varies	Varies	Yes
RESTRICTIONS	Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardous...	Nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection under the new 2026 Article 40. Potential...	West Virginia's 2026 SB 44 (eff. June 12, 2026) distinguishes: (1) nonpotentially hazardous foods — fully exempt from licensing, permitting...
FOOD STORAGE	Products must be nonpotentially hazardous and shelf-stable (or obtain WVDA permit for potentially hazardous). Proper storage required.	Non-PHF foods must be properly stored; perishables require temperature control	Nonpotentially hazardous foods: fully exempt. Potentially hazardous foods: require WV Dept. of Agriculture permit. Meat, poultry, seafood, ...
POPULATION	56,194	65,862	105,988

State context — West Virginia cottage food law

Marion 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

—

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](#) on Crosodo, or open the live guide: crosodo.com/states/west-virginia.

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 about Marion County? Local notes and a place to leave a question are on Crosodo. We monitor new threads — start with zoning, permits, or porch pickup.

crosodo.com/nb/west-virginia/marion-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 Marion 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 on Crosodo.

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

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