

## COTTAGE FOOD LAW REPORT

# Marshall County

West Virginia · Moundsville · FIPS 54051 · Population 30,531 ·  
Crosodo Index #2307\*

## STATE BASELINE

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

## STATE TIER

Good

## ANNUAL SALES CAP (STATE)

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## 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: MARSHALL COUNTY

CROSODO INDEX #2307\* · 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

### 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 (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.)

**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

<b>HOME KITCHEN ALLOWED</b>	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.
<b>SEPARATE DEDICATED KITCHEN</b>	No
<b>PET RESTRICTIONS</b>	No specific WV state rule on pets in home kitchens for cottage food; standard good manufacturing practice recommends exclusion during production.
<b>WATER SUPPLY</b>	No specific state requirement for cottage food; public or private water acceptable.
<b>HANDWASHING</b>	Standard sanitation practices required; no formal state inspection trigger.
<b>FOOD STORAGE</b>	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.

### Inspection & permitting

<b>INSPECTION REQUIRED</b>	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.
<b>HOME OCCUPATION PERMIT</b>	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.
<b>LOCAL BUSINESS LICENSE</b>	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.

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#### SOURCES VERIFIED AT RESEARCH TIME

<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/marshall-county-discuss>

## Bordering counties — cottage food law

Regulation	Marshall County	Ohio County	Wetzel 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 pet restriction in state cottage food law.
INSPECTION REQUIRED	Upon-complaint	Upon-complaint	Upon-complaint
ON-SITE CUSTOMER PICKUP	Conditional	Conditional	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Yes
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 subject to local home occupation rules. Deliv...	Direct sales only within West Virginia. Home pickup, farmers markets, roadside stands, and events permitted. No interstate sales.
HOME OCCUPATION PERMIT	Conditional	Conditional	No
LOCAL BUSINESS LICENSE	Conditional	Conditional	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...	Wetzel County has no county-level zoning ordinance. State law governs: nonpotentially hazardous cottage foods are fully exempt from licensi...
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.	Nonpotentially hazardous, shelf-stable foods fully exempt. Potentially hazardous foods require WV Dept. of Agriculture permit.
POPULATION	30,531	40,708	15,525

## State context — West Virginia cottage food law

Marshall 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 Marshall County's specific zoning rules, permits, and what other home bakers are seeing locally.

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

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