

COTTAGE FOOD LAW REPORT

Mercer County

West Virginia · Princeton · FIPS 54055 · Population 59,530 ·
Crosodo Index #2762*

STATE BASELINE

W. Va. Code §19-40-1 through §19-40-6 (enacted 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.

How to start — 60-second path

Mercer 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 pet restriction in state cottage food law.

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: MERCER COUNTY

CROSODO INDEX #2762* · FIPS 54055 · Princeton

Mercer County

Population 59,530 · State baseline: W. Va. Code §19-40-1 through §19-40-6 (enacted 2026) ·

MEDIUM**QUICK VIEW FOR BAKERS IN THIS COUNTY****HOME KITCHEN ALLOWED?**

Yes (West Virginia SB 44 (2026) created new §19-40-1 through §19-40-6. Nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must be within West Virginia. No sales cap.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific pet restriction in state cottage food law.

HOME OCCUPATION PERMIT?

Varies (Mercer County and City of Princeton may have home occupation zoning requirements. Operators should check with Mercer County Planning Commission.)

ON-SITE / PORCH PICKUP?

Conditional

INSPECTION REQUIRED?

Upon-complaint (No routine inspection for nonpotentially hazardous cottage foods; potentially hazardous foods require a permit from WV Dept. of Agriculture.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — West Virginia SB 44 (2026) created new §19-40-1 through §19-40-6. Nonpotentially hazardous cottage foods are fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require a WV Department of Agriculture permit. All sales must be within West Virginia. No sales cap.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	No specific pet restriction in state cottage food law.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate.
FOOD STORAGE	Non-potentially hazardous foods must be stored appropriately.

Inspection & permitting

INSPECTION REQUIRED	Upon-complaint — No routine inspection for nonpotentially hazardous cottage foods; potentially hazardous foods require a permit from WV Dept. of Agriculture.
HOME OCCUPATION PERMIT	Varies — Mercer County and City of Princeton may have home occupation zoning requirements. Operators should check with Mercer County Planning Commission.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Conditional
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct sales to consumers within West Virginia only. Farmers markets, home pickup, events permitted. No out-of-state sales.
MAX EMPLOYEES IN HOME	Not specified in state statute.

Relevant county code

Mercer County zoning (home occupation provisions); no specific cottage food county code identified.

RESEARCH NOTES

WV enacted SB 44 (2026, signed March 27, 2026, effective June 12, 2026) creating the new Article 40 (§19-40-1 through §19-40-6). No sales cap. The old citation §16-7-1 (general adulteration) was the prior reference. Nonpotentially hazardous foods fully exempt; potentially hazardous cottage foods need a state Dept. of Agriculture permit. Meat, poultry, seafood, and Grade A dairy excluded.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.mercercounty.gov>

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

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

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

Bordering counties — cottage food law

Regulation	Mercer County	Raleigh County	McDowell County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific pet restriction in state cottage food law.	Not specified in state statute.	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	Yes	Conditional
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Direct sales to consumers within West Virginia only. Farmers markets, home pickup, events permitted. No out-of-state sales.	Direct sales within West Virginia only. No sales outside the state. Nonpotentially hazardous foods have no sales cap.	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	West Virginia SB 44 (2026) created new §19-40-1 through §19-40-6. Nonpotentially hazardous cottage foods are fully exempt from licensing, p...	Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection. Potentially hazardous cottage foods require...	Nonpotentially hazardous cottage foods fully exempt from licensing, permitting, and inspection under WV Code §19-40-6. Potentially hazardou...
FOOD STORAGE	Non-potentially hazardous foods must be stored appropriately.	Non-potentially hazardous products must be stored appropriately.	Foods must remain nonpotentially hazardous (shelf-stable); proper storage to prevent contamination recommended.
POPULATION	59,530	74,303	17,624

State context — West Virginia cottage food law

Mercer 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 Mercer 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/mercercounty-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 Mercer 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/mercer-county-discuss

Free ad space available

Let us know if you're a non-profit or community organization. Farmers markets, kitchen rentals, and cottage food events near you welcome.

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