

WEST VIRGINIA CODE: §19-40-1

§19-40-1. Definitions.

For purposes of this article:

“Acidified food” means as that term is defined in §19-35-2.

“Cottage food” means a food item intended for human consumption that is produced and, if packaged, packaged at the residential property of the producer and sold directly to a consumer. The term includes nonpotentially hazardous foods, but excludes meat, meat products, poultry, poultry products, seafood, and Grade A dairy products.

“Cottage food vendor” means a home-based business producing and selling cottage foods.

“Delivered” means transferred to the consumer, either immediately upon sale or at a time thereafter.

“Department” means the Department of Agriculture.

“Grade A dairy products” means milk and milk products that are manufactured in accordance with the Pasteurized Milk Ordinance, 2023 Revision, as published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration.

“Nonpotentially hazardous” means as that term is defined in §19-35-2.

“Potentially hazardous” means as that term is defined in §19-35-2.

“Potentially hazardous cottage food vendor permit” means a permit which allows potentially hazardous cottage foods to be produced and sold.

“Produce” means to prepare a food item by cooking, baking, drying, mixing, cutting, fermenting, preserving, dehydrating, growing, raising, or other process.

“Producer” means the person who produces a cottage food item.