WEST VIRGINIA CODE: §19-40-2

§19-40-2. Potentially hazardous cottage food vendor permits.

(a) Except as provided in subsection (d) of this section, a person wanting to sell potentially hazardous cottage food shall apply for a potentially hazardous cottage food vendor permit from the department.

(b) A potentially hazardous cottage food vendor permit, once issued, is valid in all counties in this state. A cottage food produced pursuant to this article shall be sold only within the geographic boundaries of the State of West Virginia.

(c) Notwithstanding any other provisions of code or rule to the contrary, a potentially hazardous cottage food vendor permittee is not required to obtain a food establishment permit to sell from home.

(d) The following are exempt from obtaining a potentially hazardous cottage food vendor permit:

(1) A person selling fresh, uncut produce;

(2) A person selling nonpotentially hazardous foods; and

(3) A person selling other farm and food products that are identified by the department.

(e) The department shall establish the conditions and procedures for issuance of a potentially hazardous cottage food vendor permit. As a condition of obtaining a potentially hazardous cottage food vendor permit, a person may be required to satisfy additional requirements, including, but not limited to, submitting to inspections, and obtaining and maintaining certain additional licenses or certifications, as provided by legislative rule.

(f) A potentially hazardous food vendor permittee when acting under this article is not required to obtain a farmer’s market vendor permit as required by §19-35-3(a).

WV Legislature