AMERICA'S SBDC VIRGINIA
LYNCHBURG REGION

From Kitchen Table to Storefront

NAVIGATING COTTAGE LAWS AND STEPPING INTO COMMERCIAL SPACE WITH CONFIDENCE

AMERICA'S SBDC VIRGINIA

LYNCHBURG REGION

POWERED BY SBA

U.S. Small Business Administration

Office of Research, Innovation, and Economic Impact

MASON ENTERPRISE

George Mason University

LYNCHBURG REGIONAL BUSINESS ALLIANCE

Chamber and Economic Development

The SBDC – Lynchburg Region is a member of the Virginia Small Business Development Center network, is hosted by the Lynchburg Regional Business Alliance, and is partially funded through a cooperative agreement with the US Small Business Administration.

Cottage Laws 101

What type of products can you sell?

Where can you sell those products?

Virginia's Home Kitchen

Food Processing Exemptions

Items You Can Sell:

Virginia allows certain **non-potentially hazardous** foods to be sold from your home or local venues **without inspection or a license**, including:

- Candies
- Cereals
- Trail Mixes/ Granolas
- Dried fruits
- Coated and uncoated nuts
- Roasted Coffee /Dried Tea
- Jams and jellies
- Baked goods *that do not require time or temperature control after preparation*
- Cotton Candy
- Dried Pasta
- Baking Mixes
- Dried herbs/seasonings
- Popcorn
- Vinegars and flavored vinegars

All products must be **shelf-stable** (no refrigeration required).

What You CANNOT Sell Without Inspection:

These items are restricted unless you operate from a certified kitchen:

- Refrigerated or frozen foods (cheesecakes, custards, dairy-based items)
- Meat or poultry products
- Canned fruits and vegetables
- Fermented foods (like kimchi or kombucha)
- Beverages (unless specifically approved)

Exemptions

Acidified Foods

Shell Eggs

Honey

Acidified Foods Criteria

Definition: A low-acid food (pH > 4.6) to which acid(s) (like vinegar or citric acid) are added to bring the pH down to 4.6 or below.

Examples: Pickles, salsa, relishes, chow chow.

Purpose: Acidification makes the product safe by inhibiting the growth of *Clostridium botulinum*.

The home food processor is responsible for determining whether the product is an acidified food.

Products NOT allowed:

- Canned fermented foods
- Canned foods that require refrigeration for safety
- Canned acid foods
- Canned fruits
- Canned Low-acid vegetables: beans, carrots, okra, etc

Shell Egg Exemption Criteria

- Selling fewer than 150 dozen eggs per week produced by your own hens.
- Selling fewer than 60 dozen eggs per week purchased from another producer.

Even if you qualify for these exemptions, you must adhere to specific requirements:

- Storage and Handling:
  - Eggs must be clean, unbroken, and free of adhering dirt and manure.
  - Eggs must be refrigerated at 45°F (7.2°C) or lower at all times.
- Adhere to Labeling Requirements provided by VDCAS

Virginia Tech - Shell Eggs Guide

Honey Exemption Criteria

- Sell less than 250 gallons of honey annually.
- **Only pure honey is allowed.** Infused honey products (e.g., honey with added flavors or ingredients) do not qualify under this exemption and require inspection.
- Adhere to Labeling Requirements provided by VDCAS

Virginia Tech - Honey Guide

When in doubt, contact the VDACS Food Safety Program at 804-786-3520 or foodsafety@vdacs.virginia.gov

Where & How

Where and how can I sell my home-produced products?

Where can you sell your home-produced goods?

Your private home (direct-to-consumer)

Farmers markets

Roadside stands

You are NOT allowed to sell your home-produced goods:

Sales across state lines

Wholesale or resale (grocery stores, restaurants, shops)

Online (for pick up, delivery, or shipping)

*Honey is an exception

Labeling Requirements

All home-produced products still require food labels.

Labels Must Include:

- Your business name and address
- Product name
- Full ingredient list
- Any major allergens: milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, soy, and sesame
- The statement: “NOT FOR RESALE – PROCESSED AND PREPARED WITHOUT STATE INSPECTION.”
- Exemption statements as necessary.

Pro Tip: Keep a binder or online folder with recipes, labels, and ingredient sourcing for quick access if ever inspected or applying for expanded licenses in the future.

Ready to Size Up?

Finding an Inspected Kitchen

Navigating VDH & VDACS

Other Licenses or Permits or Certificates

Inspected Commercial Kitchen Options

Lease a Space & Build Out

Shared-Use / Commissary Kitchen

- List of Commercial Kitchens in VA

Co-Packer

- List of Co-Packers in VA

Existing Restaurant / Cafe

Mobile Food Establishment

Certify Your Home

Navigating the Health Department

Virginia Department of Agriculture & Consumer Services (VDACS)

Virginia Department of Health (VDH)

Virginia Department of Agriculture & Consumer Services (VDACS)

Regulates Food Producers that Sell:

- Packaged Foods (dry, fridge, and frozen)
- Baked Goods

Major Concerns:

- Food Contamination
- Allergens
- Proper Labeling

VDACS Food Business Resources

foodsafety@vdacs.virginia.gov

540-562-3641

Virginia Department Health (VDH)

Regulates Food Producers that Sell:

- Hot Foods (ready to eat)
- Caterers
- Restaurants

Major Concerns:

- Food Contamination
- Spread of Foodborne illness

VDH Food Business Resources & Applications

Which department does your business fall under?

VDACS or VDH?

Other Licenses, Permits, or Certificates

Good Manufacturing Practices Course

Food Safety Certificate

Meat & Poultry

Alcoholic Beverage Control Authority

Good Manufacturing Practices Courses

Institute for Food Safety at Cornell University

Good Manufacturing Practices - Part 117 Online Course

https://instituteforfoodsafety.cornell.edu/trainings/good-manufacturing-practices-registration/

NC State Food Safety Education & Training

Good Manufacturing Practices in Food Safety

https://units.cals.ncsu.edu/foodsafety/good-manufacturing-practices-in-food-safety

Food Safety Courses

National Restaurant Association

ServSafe Food Protection Manager Certification Program

https://www.servsafe.com/

National Registry of Food Safety Professionals

Food Manager Certification

https://www.nrfsp.com

Meat & Poultry

VDACS

Office of Meal & Poultry

https://www.vdacs.virginia.gov/animals-meat-and-poultry.shtml

USDA Inspection

https://www.fsis.usda.gov/inspection

Alcoholic Beverage Control Authority (ABC)

ABC License

- Licensing for selling & handling alcoholic beverages.
- Follow rules on serving age, hours, and training for staff.

https://www.abc.virginia.gov/licenses/permits

Questions?

Additional Client Resources

SBDC - Lynchburg Region

Coaching business through:

- Completing your business plan with Growthwheel.
- Understanding your market and if we have it in our community.
- Developing a loan package narrative and approaching banks.
- Connecting you to other resources.

Training:

- Free webinars
- Extended Special Topics

www.SBDCLynchburgRegion.org

Virginia SBDC

Connecting you to:

- Export counseling
- ICAP: Innovation Commercialization Assistance
- Craft brewing expertise
- Statewide network of experts

www.VirginiaSBDC.org

Maria Niechwiadowicz (knee-shadow-witz)
mniech@LynchburgRegion.org
Book a Meeting Link

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