

THE FARM RESTAURANT PROPOSED Bill

The proposed bill, September 2026

A bill to amend and reenact § [15.2-2288.6](#) of the Code of Virginia, relating to local regulation of farm food service on agricultural property; and to direct the Board of Health to establish a tiered farm food service permit structure.

Be it enacted by the General Assembly of Virginia:

Section 1. Definitions.

“Farm food service permit” means a Farm Micro-Gathering Permit, Limited Farm Restaurant Permit, Farm Restaurant Permit, or Farm Temporary Food Establishment Permit issued under Section 3.

“Nearby agricultural property” means either (i) agricultural property on which an agricultural operation, as defined in § [3.2-300](#), is conducted by the same permit holder and which is contiguous with or immediately adjoining the permitted property, or (ii) agricultural property on which an agricultural operation, as defined in § [3.2-300](#), is conducted by a different farm operator, located within the same county or city as the permitted property, from which the permit holder directly purchases agricultural products.

Section 2. Local regulation of farm food service.

That § [15.2-2288.6](#) of the Code of Virginia is amended and reenacted to add the following:

A. No locality shall require a holder of a farm food service permit to obtain a special exception, special use permit, conditional use permit, rezoning, or comparable discretionary land use approval for food service on agricultural property, or a certificate of occupancy for an agricultural structure that is used as a service location, provided the applicable threshold in subsection B is met.

B. The thresholds are:

1. A Farm Micro-Gathering, without limitation.
2. A Limited Farm Restaurant or Farm Restaurant anticipating no more than 50 visitor vehicle trips per day.
3. A Farm Temporary Food Establishment conducting no more than 12 events open to the public per calendar year. Private, invitation-only events shall not count toward this limit.

C. No locality shall require a holder of a farm food service permit to install paved parking, driveways, or access roads, or permanent commercial-grade exterior lighting, where unpaved surfaces and temporary or portable lighting adequately serve the scale and frequency of the activity conducted, provided any driveway or access road remains passable and load bearing for emergency vehicles.

D. A permit holder exceeding a threshold in subsection B retains a valid permit. Activity above the threshold is subject to local regulation only upon a showing of substantial impact on the health, safety, or welfare of the public, the standard applicable to farm wineries, breweries, and licensed distilleries under §§ [15.2-2288.3](#), [15.2-2288.3:1](#), and [15.2-2288.3:2](#).

E. Nothing in this section exempts a permit holder from the Virginia Food Regulations, [12VAC5-421](#), from applicable fire and life safety requirements, or from any condition of a permit issued under Section 3.

F. A Limited Farm Restaurant exceeding 50 visitor vehicle trips per day, averaged over a rolling 90-day period, shall receive written notice and shall, within 90 days, elect either to pursue a Farm

Restaurant Permit or to reduce activity below the threshold. An operator electing to pursue a Farm Restaurant Permit shall submit a complete application within one year of the notice and shall be inspected and operating under that permit within two years. Delay attributable to the review timeline of a local health district, zoning authority, or building department shall not count against either deadline. The Limited Farm Restaurant Permit remains valid throughout.

Section 3. Board of Health; tiered farm food service permits.

The Board of Health shall promulgate regulations establishing a tiered farm food service permit structure for agricultural property. The regulations shall provide, at a minimum:

- 1. Sourcing.** Not less than 51 percent by weight of the food served shall be produced on the permitted property or on nearby agricultural property.
- 2. Tiers.** The structure shall consist of the following permits:
 - a. Farm Micro-Gathering Permit: not more than 18 guests per day across not more than three meal services, the same daily guest limit § [35.1-25](#) A 8 sets for bed-and-breakfast food service.
 - b. Limited Farm Restaurant Permit: sit-down or counter service with no cap on the number of guests served, subject to the vehicle trip threshold in Section 2 B; commercial hood, three-compartment sink, and dedicated hand sink required; mop sink and floor drain not required; at least one enclosed, ventilated restroom with wastewater managed by connection to septic or by a regularly serviced holding tank. This equipment standard is equivalent to that required of mobile food units under [12VAC5-421](#). The structure shall be connected to the property's on-site water and wastewater service and, where the equipment requires it, to on-site electrical or gas service.
 - c. Farm Restaurant Permit: permanent food service, subject to the standards applicable to restaurants generally.
 - d. Farm Temporary Food Establishment Permit: issued annually; not more than 150 guests per event; no annual limit on the number of events; notice to the local health district not fewer than 72 hours before each event.
- 3. Food safety practice and oversight.** Food handler certification shall be required during service at every tier, and the Department of Health shall retain full inspection and enforcement authority at every tier, including authority to investigate a complaint or suspected violation at any time. Facility requirements may scale by tier. Food handling practice, temperature control, handwashing, and inspection authority shall not. Inspection frequency at every tier shall be the same as that applicable to restaurants generally under § [35.1-22](#) and the regulations of the Board, and shall adjust with any change to that frequency.
- 4. Fees.** Each fee shall equal the fee already charged by local health districts for the most nearly comparable existing permit.
- 5. Service location.** An agricultural structure, or a mobile food unit remaining at a single agricultural property for 30 or more consecutive days and connected to that property's water and wastewater infrastructure, may serve as the service location for food prepared in a permitted kitchen. No separate commissary shall be required for such a unit.
- 6. Verification.** The regulations shall provide for participatory verification of sourcing conducted by other farm food service permit holders, which the Department may accept in lieu of routine record keeping.
- 7. Signage.** Each permit holder shall post the permit under which the property operates, in addition to any notice required by § [3.2-6402](#).

8. Adoption. The Board shall consult the Department of Agriculture and Consumer Services and provide opportunity for comment by farm operators. The Board shall initiate the rulemaking process not later than six months, and shall adopt final regulations not later than 24 months, after the effective date of this act.

Section 4. Construction.

Nothing in this act shall be construed to modify the exemptions from inspection and permitting in subsection C of § [3.2-5130](#) or the poultry processing exemption under § [3.2-5400](#) et seq.; to modify any license or requirement administered by the Virginia Alcoholic Beverage Control Authority; to reduce any food safety requirement otherwise applicable; or to modify the limitation of liability for agritourism activities under §§ [3.2-6400](#) through [3.2-6402](#). Nothing in this act shall be construed to limit the authority of the Board or the Department to establish, apply, or enforce food safety requirements, to conduct inspections, or to take any enforcement action otherwise available to it.

Section 5. Report; expiration; effective date.

A. Not later than one year before the expiration date in subsection B, the Board of Health shall report to the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources on implementation, including permits issued, inspections conducted, and violations noted.

B. The permit provisions of Section 3 shall expire five years after the effective date of the regulations adopted thereunder, unless reenacted by the General Assembly.

C. Section 2 shall become effective July 1, 2027. The permit provisions of Section 3 shall become effective upon the effective date of the regulations adopted thereunder.