

THE FARM RESTAURANT ACT

Empowering Farms to Prepare, Serve, and Sell the Food They Grow

This summary sets out what the Farm Restaurant Act is intended to do and how the tiers work in practice. The operative text is the Farm Restaurant Proposed Act. The Supporting Framework document explains the existing Virginia law each provision is built on.

The Problem

Behind air, water, and sleep, food is the fourth most important thing we need for our existence. At first thought, it seems obvious that a small farm should be able to legally prepare, serve, and sell the very food it grows.

Consider this: under federal law, adopted by Virginia at Virginia Code § 3.2-5400, a farm can already raise, slaughter, and process up to 1,000 chickens a year — no permit, no inspection — so long as the birds were raised there and sold in-state. Real, substantial food production Virginia already trusts a farm to handle alone. But serve a plate with that same chicken, or a carrot even, to a guest at a farm dinner, and a completely different, much heavier set of rules applies — built for a restaurant, not a farm.

Laws already exist that seem to support this in intention, like Virginia's own agritourism act. And today, preparing and serving the food that you grow can be achieved — through exploiting various loopholes and piecing things together from several different permits and workarounds, the way Celeste Farms has had to. What's missing is a clear, affordable, standalone path that doesn't depend on piecing anything together at all. That's what the Farm Restaurant Act aims to do.

If humans can accomplish what we have — splitting the atom, mapping the human genome, putting a man in outer space, curing diseases once thought incurable, building artificial intelligence — I have faith that we can accomplish sorting out how to regulate preparing, serving, and eating food on the same soil from which it grew, without it ever having to leave that land.

Why This Exists

Farming alone rarely pays for itself anymore — it's a labor of love. Agritourism — inviting people onto the land, sharing a meal made from what you grow, letting them experience the farm itself — is one of the few ways a small farm can actually earn enough to keep going.

But Virginia's food safety rules were built for restaurants on commercial property, not farms on agricultural land. Right now, a farm serving its own food gets treated just like a standard restaurant — same certificate of occupancy, same commercial-scale expectations. A farm dinner in a barn is not the same thing as a restaurant on Main Street. I have a firm understanding of this, as the founder of both Celeste Farms and Goatocado, a restaurant in Richmond, VA. This is the specific gap this bill closes, without touching a single actual food safety requirement.

The Intent Behind All of This

This bill does not ask Virginia to invent a new idea. It asks the General Assembly to apply a principle it has already accepted — for farm wineries, breweries, and distilleries — to food. A farm can already grow grapes and serve wine under a proportionate framework. A farm should be able to grow vegetables, raise animals, and serve a meal the same way. Virginia's agritourism act already says a working farm is not a commercial property, and that visitors accept that when they walk onto the land. This bill applies that same idea to food: a clear, affordable, and contextually relevant path a small farm can lean into to keep its doors open. The three tiers that follow are what make this scalable at any size a farm actually operates at, without a real financial barrier to entry standing in the way of getting started.

At the center of every tier is one anchoring requirement: most of what's served — 51 percent by weight — must actually come from your farm or a neighboring farm you're sourcing from directly, checked through the same peer verification process across all four — Farm Micro-Gathering, Limited Farm Restaurant, Farm Restaurant, and Farm TFE alike. That's what keeps this about real farming, not a loophole for anyone calling themselves a farm.

What the Bill Actually Creates — Three Simple Paths

These aren't three separate boxes to choose between — they're a path that grows with your farm. Here's how they compare, side by side:

	Farm Micro-Gathering	Limited Farm Restaurant	Farm Restaurant
Best for	Small, recurring gatherings — dinner parties, a retreat destination	Expanded sit-down dining or walk-up counter service — a farm market stand, casual daily service	Ongoing, permanent food service
Guest cap	18 per day, across up to 3 meals	No cap on guests served, but bounded by the 50-vehicle-trip-per-day threshold	No cap — standard restaurant scale
Notification	None required, once inspected	None required, once inspected	None required, once inspected
Fee	Standard local health inspection fee	Standard restaurant permit fee	Standard restaurant permit fee
Facility	Similar to current B&B inspection standards	Commercial hood, three-bay sink, and hand sink required — no mop sink or floor drain	Meets the standard for current restaurant requirements
Parking	Unpaved parking acceptable, no commercial paving required	Unpaved parking acceptable, no commercial paving required	Unpaved parking acceptable, no commercial paving required
Restroom	A single kitchen sink satisfies handwashing — no dedicated restroom required	At least one enclosed, ventilated restroom stall, connected to required water, with wastewater managed by septic connection or a regularly serviced holding tank	Full commercial multi-fixture restroom standard
Sourcing check	Peer verification, once a year	Peer verification, once a year	Peer verification, once a year
Food handler required	Certified food handler present, every time	Certified food handler present, every time	Certified food handler present, every time
Facility oversight	One-time facility	Inspected at least annually,	Inspected at least annually,

	inspection when the permit is first issued	the same as any other restaurant	the same as any other restaurant — more often if risk warrants it
Zoning protection	Fully protected, no cap	Fully protected up to 50 vehicle trips a day; sustained overage starts a two-stage clock (1 year to apply, 2 years to be operating) toward a full Farm Restaurant	Fully protected up to 50 vehicle trips a day

The Farm TFE Permit is not a fourth path on this table — it's a flexible tool usable alongside any of the three tiers above. It lets a farm host a larger, one-time event — a wedding, a seasonal dinner — without needing to change which tier it normally operates under, or skip building any standing infrastructure at all if only a handful of events are needed each year.

The “Facility oversight” row above describes the routine, baseline inspection schedule for each tier. It doesn't limit VDH's authority to act sooner: at every tier, the health department retains full authority to investigate a specific complaint or suspected violation at any time, regardless of when the facility was last inspected.

How the Three Tiers Scale and Stack Together

You don't have to give one up to move to the next. A farm can operate under the Micro-Gathering Permit as its everyday baseline — small, frequent gatherings, no per-event notification required. When your everyday activity outgrows Micro-Gathering's 18-guest cap, a Limited Farm Restaurant Permit lets you expand into sit-down dining or walk-up counter service, using a dedicated commissary, without needing the full build-out of a Farm Restaurant. When you want to host something bigger and occasional, like a wedding or a large seasonal dinner, you pull a Farm TFE permit for that occasion, on top of whichever tier you're already operating under — you don't lose your everyday path just because you've added a permit for something bigger.

Only if you want to move beyond occasional events entirely, and serve larger numbers on a genuinely regular, ongoing, walk-in basis — more like a restaurant that's simply open — does Farm Restaurant become the right fit. That's not triggered by one big event; it's triggered by the nature of the operation shifting from occasional to permanent. And once you do hold a Farm Restaurant Permit, you won't need to separately pull a Farm TFE Permit for a larger one-off event on your own property either — that's simply a catered event, already covered by the Farm Restaurant Permit you hold. A Farm Restaurant Permit also lets you cater off your own property, the same way any other licensed restaurant kitchen can — taking your farm's food to someone else's venue, not just serving it at home.

Accountability, Both Ways

This bill also brings clarity to the process itself. Any denial has to point to the specific rule it rests on, which is already what § 32.1-163.6 requires of the Department elsewhere, and review of a denial runs through the Administrative Process Act, as it does for any other permit decision. Earlier drafts went further, with fixed deadlines and automatic approval, and those were deliberately removed. The goal is a path health officials can administer, not new constraints on their authority.

Protection from Local Zoning Overreach

Beyond VDH, this bill also protects farms from a locality trying to impose commercial zoning, a conditional use permit, or ag-specific requirements that a comparable non-farm food business wouldn't face. That protection is scaled to real, measurable impact, not an arbitrary rule:

- Farm Micro-Gathering: fully protected, no cap. An 18-guest daily cap works out to roughly nine vehicle trips a day — well under half of the 50-trip maximum Virginia's transportation standards set for a low volume commercial entrance.
- Limited Farm Restaurant: fully protected up to 50 vehicle trips a day, the same threshold applied to Farm Restaurant below. Sustainably exceed it, and the farm chooses: pursue a Farm Restaurant Permit — with one year to submit a complete application and two years for it to be inspected and operating — or reduce operations back under the threshold. The permit itself stays fully valid the whole time either way; a farm that neither applies nor reduces keeps its permit, but no longer keeps this stronger zoning protection.
- Farm TFE: fully protected up to 12 public events a year — the same limit Virginia's own ABC law already uses for banquet and special event licenses. Private, invitation-only events don't count toward this.
- Farm Restaurant: fully protected up to 50 vehicle trips a day, the maximum volume VDOT treats as a low volume commercial entrance. Beyond that, a locality may weigh real impacts, the same standard that applies to farm wineries and breweries.

Cross one of these thresholds, and a farm doesn't lose its permit — it simply moves to a slightly narrower protection, where a locality would need to show real, substantial impact before requiring anything more. Nothing here is invented from scratch; every number is tied to a standard Virginia already uses somewhere else.

Beyond the Legislation

Changing the law is not the only path we're building. Celeste Farms is also developing affordable solutions any farm could use directly, regardless of when this bill passes: a Conex kitchen — a shipping container converted into a real, working commercial kitchen, built as a replicable low-cost model — and a website designed around agritourism, to help farms navigate this same terrain.

We've also founded the Farm Restaurant Guild, a voluntary community of farms who support each other through this process. Guild members get real mentorship navigating permitting, help filling out the actual paperwork, and a peer verification network modeled on established programs like Certified Naturally Grown — support that goes well beyond what the law alone requires.

How You Can Show Support

This proposal is going in front of the Governor, several state senators, the Farm Bureau, and the Secretary of Agriculture, with the goal of introducing it in the 2027 General Assembly session.

If you're a farmer, tell us whether this framework fits how your farm operates. If you're a political leader, county or state, who believes small farms should be able to serve what they grow, we want to hear from you. If you simply care about small farms and want to support agritourism, your voice matters just as much. Please use the form below to add your support and share any comments.

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