

WHAT CAN I DO WITH THE FOOD FROM MY FARM?

A Plain-Language Guide to Which Virginia Law Applies to You

Virginia has several different laws covering different ways a farm can serve, sell, or prepare food. They don't reference each other, so it's genuinely confusing to figure out which one applies to what you actually want to do. This guide is organized around one question: what are you trying to do? Find the answer that matches, and it tells you which law applies.

I WANT TO HOST A DINNER OR GATHERING AT MY FARM

Is it small and happens regularly — dinner parties, a retreat you run often?

→ **You likely fall under the Farm Micro-Gathering Permit**

Up to 18 guests a day, across up to three meals. No fee beyond a standard inspection fee, no notice required before each gathering. Best for ongoing, recurring hosting rather than a single big event.

Have you outgrown that 18-guest cap — sit-down dining or walk-up counter service, like a farm market stand or daily casual service?

→ **You likely need a Limited Farm Restaurant Permit**

No specific guest cap — bounded instead by the same 50-vehicle-trip-a-day threshold used for a full Farm Restaurant. Requires a dedicated commissary (commercial hood, three-bay sink, hand sink), hard-connected water and septic, and a real restroom. This is an expansion of Micro-Gathering, not a separate category — best for a farm ready to grow beyond occasional hosting without yet needing the full build-out of a permanent restaurant.

Is it a bigger event, or a one-time occasion — a wedding, a seasonal dinner, a harvest celebration?

→ **You likely need a Farm TFE Permit**

Up to 150 guests per event, one annual permit covers all your events for the year, 72 hours' notice before each one. Best for occasional, larger, or one-off gatherings — usable alongside whichever tier above you already operate under.

Do you want to serve food as a regular, ongoing, walk-in part of your business — more like a restaurant that's simply open?

→ **You need a Farm Restaurant Permit**

This is the tier for permanent, everyday food service, with real oversight to match — full commercial kitchen standards and annual inspection, the same as any other restaurant. A Farm Restaurant Permit also lets you cater, either on-site or off-site, the same way any other licensed restaurant kitchen can. That means if you already hold a Farm Restaurant Permit, you don't need to separately pull a Farm TFE Permit for a larger one-off event on your own property — it's simply a catered event, already covered by the Farm Restaurant Permit you hold.

I WANT TO SELL FOOD PEOPLE TAKE HOME WITH THEM

Is it shelf-stable — jam, baked goods, pickles, dried herbs, honey — something that doesn't need refrigeration?

→ **This falls under the Home Kitchen Food Processing Exemption**

A completely separate law (§ 3.2-5130), sometimes called the “cottage food” exemption. Lets you sell shelf-stable goods made in your own home kitchen, direct to consumers, up to \$9,000 a year in sales, without a permit.

Is it raw poultry you raised, slaughtered, and processed yourself — whole birds or cuts, not a cooked product?

→ **This falls under Virginia's poultry processing exemption**

Covers up to 1,000 birds a year, raised and processed on your own farm, sold only within Virginia (§ 3.2-5400 et seq.). This covers the raw bird itself — it does not clearly extend to a cooked, value-added product like stock or broth, which is a different question worth checking directly with VDACS.

CAN I DO MORE THAN ONE OF THESE AT THE SAME TIME?

Yes. These frameworks don't conflict with each other, and holding a permit under one doesn't affect your ability to use another. A farm could host Micro-Gatherings under the Farm Restaurant Act while separately selling jam under the cottage food exemption — they're simply two different activities, each governed by its own rule.

STILL NOT SURE?

If your situation doesn't cleanly match one of these, or you want to confirm before you start, it's worth a direct call rather than a guess:

- ▶ VDACS Office of Meat and Poultry Services (poultry questions): (804) 786-4569
- ▶ VDACS Food Safety Program (cottage food and other processing questions): reach through vdacs.virginia.gov
- ▶ Your local health district (Farm Micro-Gathering, Limited Farm Restaurant, TFE, and Farm Restaurant permit questions)

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