

Update to Texas Cottage Food Law

1. As of September 1, 2019 you may sell the following homemade food items:
 - **Any food, excluding meat, that does not require time or temperature control to prevent spoilage**
 - Baked goods that do not require refrigeration, such as cakes, cookies, breads, and pastries
 - Candy
 - Coated and uncoated nuts
 - Unroasted nut butters
 - Fruit butters
 - Canned jams and jellies
 - Fruit pies
 - Dehydrated fruits and vegetables including dried beans
 - Popcorn and popcorn snacks
 - Cereal, including granola
 - Dry mixes
 - Vinegar
 - Mustard
 - Roasted coffee or dry tea
 - Dried herbs or herb mixes
 - Whole (uncut) frozen fruits or vegetables
 - Canned acidified plant-based foods with a pH of 4.6 or less
 - Fermented vegetables with a pH of 4.6 or less
 - Pickled fruits or vegetables with a pH of 4.6 or less
2. Your gross annual income from the sales of these foods must be \$50,000 or less.
3. No health department or local government authority can regulate your production of these items. There are no licenses, registration, or permits required by state law. (With the exception of basic food handler's certification, see item 10.)
4. If DSHS or your local health department has reason to believe your operation poses an immediate and serious threat to human life or health, they may take action, including getting a warrant to enter your home, and shutting down your operation.
5. You may sell the food directly to consumers anywhere in Texas. Local ordinances apply.

6. Your food must be packaged in your home kitchen in a way that prevents the product from becoming contaminated. Items that are too large or bulky for conventional packaging, like wedding cakes or cupcake bouquets, are not required to be packaged.

7. Your food must be labeled according to the [labeling requirements](#). The label must be affixed to the package, except for items that are too large or bulky for packaging; in that case the label may be incorporated into the invoice.

8. You may sell your food on the internet, in Texas, as long as you personally deliver the food to your customer. All the information on your [labels](#), *except* your home address, must be provided to the customer BEFORE the customer pays for the food.

9. You may not sell wholesale: in other words, you must sell your product directly to the end consumer. You may not sell your food to a reseller such as a grocery store, restaurant, or coffee shop.

10. You **must** obtain a [food handler's card](#) prior to selling your food. If you have anyone assisting you in the preparation of your product, such as an employee, they must also obtain a card if at any time they will be unsupervised by you. This does not include members of your household. (Cost is less than \$10 & can be done online in an hour.)

11. You may not sell any food which requires time and temperature control to prevent spoilage, except whole uncut frozen fruits and vegetables. However, you may use potentially hazardous products as ingredients in your food (like milk, eggs, and cream) as long as your FINAL PRODUCT does not require refrigeration (cakes, cookies, candy, etc).

12. No municipal zoning ordinance can prevent you from having a cottage food operation in your home. However, your neighbors can still take action against you if your business becomes a nuisance to them.

13. Sales of homemade acidified canned plant-based foods, fermented vegetables, or pickled fruits and vegetables are subject to [certain other requirements](#).

14. If you sell frozen fruits and vegetables, the following additional requirements apply:

- The fruit or vegetable must be whole and uncut.

- You must store and deliver the item to your customer at an air temperature of not more than 32 degrees Fahrenheit;
- You must include on the label of the item, or on an invoice or receipt provided to the customer the following statement in at least 12-point font:
"SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria, keep this food frozen until preparing for consumption."