

# Texas Cottage Food Law

Everything you need to know about starting your home food business in Texas.

## Yes, it's legal to have a home food business.

It's as easy as 1, 2, 3.

1. [Read the rules](#) so you know what you can sell and how you can sell it.
2. Take your required [food handler's training](#).
3. Create your required food [labels](#).

[FULL CHECKLIST](#)



## Pickling, Canning, and Fermenting

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# Texas Cottage Food Law Summary

**With 2019 Updates**

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**SB 572 by Kolkhorst**

**House sponsor: Rodriguez**

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.

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.”**



Two recipe books every home baker needs: cream cheese frosting, chocolate ganache, lemon curd, and more!

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**Read SB 572**

### **Types of foods allowed**

The following types of canned, pickled, or fermented foods are allowed to be sold as homemade (cottage) foods beginning September 1, 2019:

- Acidified canned plant-based foods with a finished equilibrium pH value of 4.6 or less that are thermally processed before being placed in an airtight container. *(Yes, this means salsa if the pH is 4.6 or less.)*
- Pickled fruits or vegetables, including beets and carrots, that are preserved in vinegar, brine, or a similar solution at an equilibrium pH value of 4.6 or less.
- Fermented vegetable products, including products that are refrigerated to preserve quality. Fermented vegetable products are defined as “a low-acid vegetable food product subjected to the action of certain micro-organisms that produce acid during their growth and reduce the pH value of the food to 4.6 or less.” *(Sauerkraut and kimchi are allowed! Kombucha and kefir are not allowed.)*

## Recipes

If you are selling any of the above foods under the cottage food law, you must comply with the following:

- Use a recipe that is from a source approved by [Texas DSHS](#), or
- Use a recipe that has been tested by an appropriately certified laboratory that confirmed the finished fruit or vegetable, product, or good has an equilibrium pH value of 4.6 or less, or
- Use a recipe that is approved by a qualified process authority, or
- **If you do not use a recipe described above, you must test each batch of the recipe with a calibrated pH meter to confirm the finished fruit or vegetable, product, or good has an equilibrium pH value of 4.6 or less.**

*Calibrated digital pH meters are widely available and inexpensive on Amazon.com.*

## Labeling and Record Keeping

For each batch of pickled fruit or vegetables, fermented vegetable products, or plant-based acidified canned goods, a cottage food producer must:

1. Label the batch with a unique number; and
2. For a period of at least 12 months, keep a record that includes:

- the batch number;
- the recipe used by the producer;
- the source of the recipe or testing results, as applicable; and
- the date the batch was prepared

## Cucumber Pickle Exception

If you're selling cucumber pickles, which were allowed without these requirements from 2013-2019, the recipe testing and record-keeping rules do not apply. Crazy! They must still be [labeled](#) per the cottage food labeling requirements.



PH Meter for Water Hydroponics Digital PH Tester Pen 0.01 High Accuracy Pocket...

**\$12.99**



Digital PH Meter, PH Meter 0.01 Resolution Pocket Size High Accuracy Water Quality...

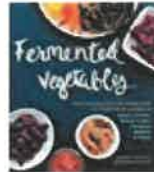
**\$4.98** ~~\$13.99~~

Ads by Amazon



The Ultimate Guide to Preserving Vegetables: Canning, Pickling, Fermenting,...

**\$19.39** ~~\$25.00~~



Fermented Vegetables: Creative Recipes for Fermenting 64 Vegetables & Herbs in...

**\$17.58** ~~\$24.95~~

Ads by Amazon







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# Labeling your cottage foods

All cottage foods must be labeled with specific information.

# Cozy Cottage Bake Shop

801 S. Golden Oak Street, Anytown, Texas 77777

Name and physical address of the cottage food production operation.



Common or usual name of the product. This could be handwritten if you are buying labels in large quantities for various products.

## Blueberry Muffins

Listing required major allergens and circling those present is one option if using pre-printed labels.

Contain the following allergens:

Eggs

Nuts

Soy

Peanuts

Milk

Wheat

Fish

Shellfish

This food is made in a home kitchen and is not inspected by the Department of State Health Services or a local health department.

Statement of non-inspection. This is the required language.

**Q1. Do I have to label my cottage food products?**

A: Yes.

**Q2: What is supposed to be on the label?**

The rules read:

*(d) Packaging and labeling requirements for cottage food production operations. All foods prepared by an operator shall be packaged and labeled in a manner that prevents product contamination.*

*(1) The label information shall include:*

*(A) the name and physical address of the cottage food production operation;*

*(B) the common or usual name of the product;*

*(C) disclosure of any major food allergens, such as eggs, nuts, soy, peanuts, milk, wheat, fish, or shellfish used in the product; and*

*(D) the following statement: "This food is made in a home kitchen and is not inspected by the Department of State Health Services or a local health department."*

*(2) Labels must be legible.*

*(3) A food item is not required to be packaged if it is too large or bulky for conventional packaging. For these food items, the information required under paragraph (1) of this subsection shall be provided to the consumer on an invoice or receipt.*

*(4) A label for frozen raw and uncut fruit or vegetables must include the following statement in at least 12-point font when sold: "SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria, keep this food frozen until preparing for consumption" on the label or on an invoice or receipt provided with the frozen fruit or vegetables.*

*(5) Advertising media of cottage food products for health, disease, or other claims must be consistent with those claims allowed by the Code of Federal Regulations Title 21, Part 101, Subparts D and E.*

**NOTE:** If your food is a pickled fruit or vegetable, fermented vegetable, or acidified canned plant-based product, then the label also must contain a unique batch number to correspond with your record-keeping. Read more about [pickling, canning, and fermenting](#).

**Q3: Does the label have to be attached to the food package?**

A: Yes, except for items that are too large or bulky for packaging (like wedding cakes); in that case, the label can be incorporated into the invoice.

**Q4: Instead of listing the allergens, can I make a blanket statement that my product MAY contain all of the allergens listed in the labeling requirements?**

A: No, you must actually list which allergens are present.

**Q5. Do I have to list all the ingredients on the label?**

A: You are not required to, but you can if you like. The rule only requires you to list any of the major allergens present in the food.

**Q6: Can I add information to my label, such as a statement that the food may have come into contact with other allergens?**

A: Yes.

**Q7: I don't like the way that statement about the food being prepared in a home kitchen sounds. Can I re-write it in my own words?**

A: No, you must print the statement of non-inspection exactly the way it appears in the rule.

**Q8: I don't want to put my home address on the label. Can I leave it off or put something else in its place?**

No, there is no exception to this rule. Your home's physical address must be on the label, since that is the location where the food was prepared. (A cottage food operator by law must prepare their food in their primary residence.)

The cottage food law does **not** require the customer to visit your home. If you have an issue with the customer coming to your home, you can deliver the food or meet the customer at a safe public

meeting spot. Many police departments offer safe spaces for internet transactions such as craigslist purchases.

You can add "By Appointment Only" on your label to discourage drop-ins.

**NEVER:**

- **Open the door to a stranger.**
- **Invite a stranger inside your home.**

**Q9: If I am selling a lot of small items, such as cookies or cake pops, to the same customer, does each one have to be individually packaged and labeled?**

A: The law says that "food must be packaged" and "all food must be labeled." We would advise labeling every package of food in order to fully comply with the law.

Example: 10 unwrapped cookies in one large box: 1 label

Example: 10 wrapped cookies in one large box: 10 labels

"(a) **Food** described by Section 437.001(2-b)(A) sold by a cottage food production operation **must be packaged** in a manner that prevents product contamination, except that a food item is not required to be packaged if it is too large or bulky for conventional packaging.

"(d) ... All foods prepared by a cottage food production operation must be labeled."

**Q10. I'd like to split up my required information into two labels. Can I do that?**

A: Yes.

**More questions? Check out the comprehensive FAQ!**



Avery 2" Glossy White Round Labels, Sure



Avery Oval Labels with Sure Feed Laser &