

## Definitions

A cottage food production operation is defined as an individual, operating out of the individual's home, who:

- Produces at the individual's home: a baked good that is not a time and temperature control for safety food (TCS food); candy; coated and uncoated nuts; unroasted nut butters; fruit butters; a canned jam or jelly; a fruit pie; dehydrated fruit or vegetables, including dried beans; popcorn and popcorn snacks; cereal, including granola; dry mix; vinegar; pickled fruit 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; mustard; roasted coffee or dry tea; a dried herb or dried herb mix; plant-based acidified canned goods; fermented vegetable products, including products that are refrigerated to preserve quality; frozen raw and uncut fruit or vegetables; or any other food that is not a TCS food.
- Has an annual gross income of \$50,000 or less from the sale of the described foods;
- Sells the foods produced directly to consumers; and
- Delivers products to the consumer at the point of sale or another location designated by the consumer.

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## Licensing

A cottage food production operation is exempt from the requirements of a food service establishment and does not have to comply with the Texas Food Establishment Rules. Health departments do not have regulatory authority to conduct inspections of a cottage food production operation. However, the Department or local health authority has authority to act to prevent an immediate and serious threat to human life or health through emergency order, recall orders and delegation of powers or duties. Health departments are required to maintain records of all complaints against a cottage food production operation.

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## Requirements and Restrictions

An individual who operates a cottage food production operation must successfully complete a basic food safety education or training program for food handlers accredited under [Health and Safety Code, Chapter 438\(D\)](#) by January 1, 2014.

A cottage food production may not sell to customers potentially hazardous foods. A potentially hazardous food (PHF) is a food that requires time and temperature control

for safety (TCS) to limit pathogen growth or toxin production. In other words, a food must be held under proper temperature controls, such as refrigeration to prevent the growth of bacteria that may cause human illness. A PHF/TCS is a food that: contains protein, moisture (water activity greater than 0.85), and is neutral to slightly acidic (pH between 4.6 -7.5).

Food produced by a cottage food production operation may not be sold via the Internet, by mail order or at wholesale.

The Department of State Health Services is in the process of amending the rule, [Section 229.661](#), concerning cottage food production operations.

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## Food Labeling

Foods sold by a cottage food production operation must be packaged and labeled. The food must be packaged in a manner that prevents product contamination, except for foods that are too large and or bulky for conventional packaging. The labeling information for foods that are not packaged must be provided to the consumer on an invoice or receipt. The label must include:

- The name and address of the cottage food production operation;
  - The common or usual name of the product, if a food is made with a major food allergen, such as eggs, nuts, soy, peanuts, milk or wheat that ingredient must be listed on the label; and
  - A 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."
  - The labels must be legible.
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## Frequently Asked Questions

For a list of FAQs, please refer to the [Cottage Food Operations FAQ page](#).

## Publications

- [25 TAC §229.661 - Cottage Food Production Operations](#)
- [Frequently Asked Questions - Cottage Food Production Operations](#)
- [Cottage Food Production Operations Safe Temperatures - English and Spanish](#) (PDF)
- [Handwash Poster - English](#) (PDF)
- [Handwash Poster - Spanish](#) (PDF)
- [Preventing Contamination From Hands](#) (PDF)

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