



Photo Credit: Robyn Lee, CupcakExpress

TEXAS COTTAGE FOOD LAW FOOD SERVICE OPERATION GUIDELINES

Texas Cottage Food Law allows Texas residents to legally operate a business out of their home and sell specific homemade foods (termed “cottage foods”) from their residence without obtaining a permit or license from the local health department. These businesses, termed “Cottage Kitchens,” are allowed to operate under this law, as long as certain requirements are followed.

“Cottage foods” are foods that have low water activity and low pH levels. These qualities can inhibit growth of dangerous microorganisms that can cause a foodborne illness outbreak. Cottage foods have been identified as non-potentially hazardous foods and can be prepared at home under Cottage Food Legislation SB 81, HB 970, and SB 572. Examples of foods that qualify as “cottage foods” are listed on the right side of this page.

Foods that require refrigeration or hot/cold hold after cooking do not qualify as “cottage foods” and must be prepared on site or at a licensed food service establishment, as per the requirements of the Texas Food Establishment Rules (TFER) for Temporary Food Establishments.

FREQUENTLY ASKED QUESTIONS

Q: What can I sell?

- ❖ Cakes and cake balls
- ❖ Cookies
- ❖ Breads and pastries – no custard or cream fillings
- ❖ Candy
- ❖ Coated/uncoated nuts
- ❖ Unroasted nut butters
- ❖ Canned jellies and jams
- ❖ Fruit pies (including pecan)
- ❖ Popcorn
- ❖ Pickles
- ❖ Roasted coffee or dry tea

Only these items can be prepared off site prior to selling on campus. For a complete list, visit the [Texas Cottage Food Law website](#).

Q: What am I NOT allowed to sell?

- ❖ Cheesecake
- ❖ Custard-filled baked goods
- ❖ Cream & meringue pies
- ❖ Hot meals
- ❖ Prepared beverages (e.g. Kombucha)
- ❖ Beef jerky
- ❖ Tamales
- ❖ Flan
- ❖ Pumpkin pie

Nothing requiring refrigeration can be sold.

**Q**

I would like to host a bake sale. Where can I prepare my foods to sell?

**A**

You may prepare and bake certain foods at home. Please note that only foods listed on the previous page (or on the link provided) are allowed to be prepared at home under the Texas Cottage Food Law. All other foods must be prepared on-site or at a licensed food establishment.

**Q**

Am I required to take the Food Handler Training?

**A**

Yes! You must still be certified through the Texas Food Handler Program to operate as a Cottage Kitchen.

**Q**

Am I required to label my foods?

**A**

Yes! You must individually package each food item to prevent from contamination. Each package must be labeled with the following information:

- Organization name and contact address
- Common name of the product (ex: Chocolate chip cookies)
- List of major food allergens in food product (e.g. eggs, dairy, wheat, peanuts, tree nuts, soy)
- Liability statement (example): "This food is made in a home kitchen and is not inspected by the Department of State Health Services or a local health department."

Questions?

Contact Environmental Health, Safety & Risk Management

512-245-3616

Texas Cottage Food Law Website

<http://texascottagefoodlaw.com/Frequently-Asked-Questions>