

Cottage Food Production Operation

A cottage food production operation is when a person operates out of their home and sells any of the food items listed below; has an annual gross income of \$50,000 or less from the sale of the food items; and sells the food directly to consumers at the locations specified.

Food Items That Can Be Sold

A baked good that is not a potentially hazardous food

- Candy
- Coated and uncoated nuts
- Unroasted nut butters
- Fruit butters
- Canned jam or jelly
- Fruit pie
- Dehydrated fruit or vegetable including dried beans
- Popcorn and popcorn snacks
- Cereal, including granola
- Dry mix
- Vinegar
- Pickles
- Mustard
- Roasted coffee or dry tea
- Dried herb or dried herb mix



A cottage food production operation may not sell potentially hazardous food or any other items that are not included in the above list.

This information includes changes to the cottage food laws enacted by the 83rd Texas Legislature, Regular Session 2013, effective September 1, 2013.

Where the Food May Be Sold

Food prepared by a cottage food production operation may be sold directly to the consumer at:

- » the individual's home
- » a farmer's market
- » a farm stand (this is in conjunction with a qualified farmer)
- » a municipal, county, or nonprofit fair, festival, or event, or
- » cottage food products may be delivered to the consumer at the point of sale or another location designated by the consumer

A cottage food production operation may not sell cottage food items through the Internet, by mail order, or at wholesale.

A cottage food production operation may not sample. All samples must be individually wrapped and labeled. If a cottage food production operation samples without the product being individually wrapped and labeled, they must acquire a temporary food permit.



Cottage food production operations are not food service establishments.

Requirements for Food Production Operations

Education

An individual who operates a cottage food production operation must have successfully completed a basic food safety education program for food handlers accredited by the Texas Department of State Health Services.

Packaging and Labeling

- » Cottage food items must be packaged to prevent contamination with the exception of items that are too large or bulky for conventional packaging.
- » Cottage food items must be labeled with:
 - ♦ common or usual name of the product
 - ♦ the name and address of the cottage food production operation
 - ♦ major allergens (eggs, nuts, soy, peanuts, milk or wheat), and
 - ♦ a statement that the food is not inspected by the Texas Department of State Health Services or a local health department.
- » Cottage food labeling requirements must be provided to the consumer on an invoice or receipt for cottage food items that are too bulky for packaging.



Production of Cottage Food Items

An individual may not process, prepare, package or handle cottage food items unless the individual:

- » meets the basic food safety education requirements
- » is directly supervised by an individual who meets the basic food safety education requirements
- » is a member of the household in which the cottage food items are produced

The Texas Department of State Health

Services or a local health authority may act to prevent an immediate and serious threat to human life or health.

For specific definitions and details regarding the definitions of baked goods, potentially hazardous foods and farm stands, zoning regulations, and actions for nuisances or other torts, please refer to the Texas Health and Safety Code, Chapter 437.



Need additional Information?

Contact us:

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Cottage Food Productions Operations



Harris County

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