

# **Texas Cottage Food Production**

## **Cottage Food Production Operations**

During the 83rd Legislature, Regular Session 2013, the Texas Legislature enacted [House Bill 970](#) that amends the [Health and Safety Code \(HSC\), Chapter 437](#), by amending provisions for cottage food production operations. This law is effective September 1, 2013.

## **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 of State Health Services, 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.

## **Requirements and Restrictions**

## **Training**

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.

## **Food Safety**

A cottage food production may not sell to customers potentially hazardous foods (PHF). A PHF is a food that requires time and temperature control for safety (TCS) to limit pathogen growth or toxin production.

## **Distribution**

Food produced by a cottage food production operation may be sold online or by mail order under the following circumstances:

- The consumer purchased the food online or by mail-order from the operator.
- Operator personally delivers the food to the consumer.
- Before the operator accepts payment for the food, the operator provides all labeling information required by the Cottage Food Production Operations rules to the consumer by posting a legible statement on the cottage food production operation's internet website, publishing the information in a catalog, or otherwise communicating the information to the consumer.

- **A cottage food operator may not sell any foods described under the rules at wholesale.**

## **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:

- Legible writing.
- 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.
- 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."
- A unique number for each batch of pickled fruit or vegetables, fermented vegetable products, or plant-based acidified canned goods.

If selling frozen raw and uncut fruit or vegetables, the cottage operator must label or list on the invoice in min. 12-pt font: "SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria, keep this food frozen until preparing for consumption."

## **Training Materials and Publications**

### **Cottage Food Production Operation Training Materials:**

- [Texas A&M AgriLife Extension Food Safety Education](#)
- [Cooking Up A Cottage Food Business](#)

An individual who operates a cottage food production operation must have successfully completed an accredited basic food safety education or training program for food handlers.

However, if an individual already has a Food Manager Certification from an accredited program, Texas DSHS will recognize this in place of a Food Handler Certification where applicable.