HOUSTON HEALTH DEPARTMENT

Texas Cottage Food Production: Frequently Asked Questions (FAQ)

What is a Cottage Food Production Operation (CFPO)?

A CFPO is an individual (or eligible nonprofit organization) who prepares certain non-hazardous foods in a private residence and sells them directly to consumers. The annual gross income cap is $150,000.

Do I need to register with the state?

Registration is required if you:

- Sell time and temperature control for safety (TCS) foods, or
- Are a cottage food vendor who purchases products from a CFPO

Registration begins September 1, 2025, through the DSHS Cottage Food Registry.

Can I use a registration number instead of my home address on the label?

Yes. If you register with DSHS, you may use the DSHS-issued identification number instead of your full home address.

What foods can I sell as cottage foods?

You may sell most foods except:

- Meat, poultry, seafood, fish
- Ice or frozen desserts
- Low-acid canned goods
- Products containing CBD/THC
- Raw milk products

You may sell TCS foods only if registered and only if proper temperature and labeling requirements are met.

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Do all cottage foods have to be packaged and labeled?

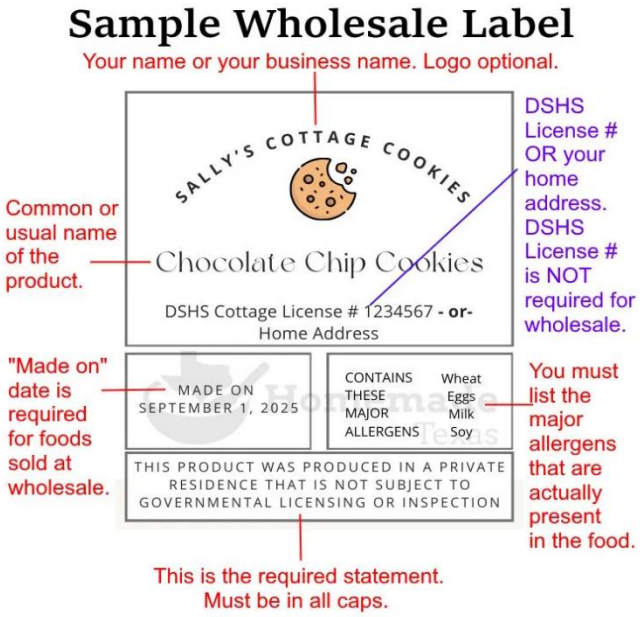
Yes, all foods must be packaged and labeled to prevent contamination, unless they are too large or bulky to package. In that case, the required label information must be provided on a receipt or invoice.

What must be included on the label?

A cottage food label must include:

- Name of the CFPO
- Home address or registration number
- Common name of product
- Major allergens
- Batch number for pickled/fermented/acidified items
- **For TCS foods:** the date produced and safe handling instructions.

Required disclosure:
"THIS PRODUCT WAS PRODUCED IN A PRIVATE RESIDENCE THAT IS NOT SUBJECT TO GOVERNMENTAL LICENSING OR INSPECTION."



Can I sell my cottage foods online?

Yes, as long as:

- The consumer buys directly from you
- You (or a household member) personally deliver the food
- All labeling information is posted on your website before payment

Can I sell my foods wholesale?

Only non-TCS foods may be sold wholesale to a registered Cottage Food Vendor.

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What is a sample?

A sample is defined as a bite size portion, not a full serving.

Can I offer samples at a farmers market or event?

Yes. CFPOs may provide samples at any location, except that TCS foods may not be donated.

- Distribute the samples in a sanitary manner;
- Have potable water available;
- Wash any produce intended for sampling with potable water to remove any visible dirt or contamination;
- When preparing the samples, either wear clean, disposable plastic gloves or observe proper hand washing techniques immediately before preparation;
- Use smooth, nonabsorbent, and easily cleaned (i.e. metal or plastic) utensils and cutting surfaces for cutting samples, or use disposable utensils and cutting surfaces; and
- Samples of cut produce and other potentially hazardous foods shall be maintained at a temperature of 41°F or below and discarded within two hours after cutting or preparation. Per HSC 437.020(b-1), the regulatory authority may not require a permit to require samples at a farmers market.

Can I serve my cottage foods warm, plated, or "per order" at an event?

No. CFPOs cannot:

- Provide onsite food service
- Hot-hold items in chafing dishes
- Portion, assemble, or serve food per order

These activities are considered food service, not cottage food.

Can local health departments regulate or inspect cottage food operations?

No. Local authorities may not:

- Require permits
- Charge fees
- Conduct inspections

They can take action if there is an immediate and serious threat to health.

What training is required?

Operators must complete an accredited food handler training course. A Food Manager Certification may substitute where applicable.

For more information, please visit:
Department of State Health Services: https://www.dshs.texas.gov/retail-food-establishments/texas-cottage-food-production
Houston Health Department: https://www.houstonhealth.org/services/permits

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