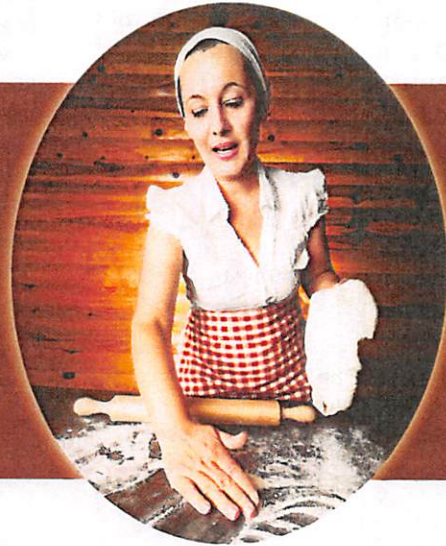


# Selling Foods Made at Home

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Texans may sell certain foods prepared in their homes as long as they follow the regulations established by the state Health and Safety Code. The regulations are known as the Texas cottage food law.

The law governs what types of foods may be sold, where they may be sold, and how they must be packaged and labeled. Gross sales may not exceed \$50,000 annually, and the business owner must have a food handlers certification from a state-accredited program.

Local and state health departments do not regulate this type of business, which means that a health inspector will not inspect your kitchen, unless there is concern about the public's health.

## Types of foods

The law distinguishes foods according to whether they must be held at specific temperatures to prevent foodborne illness. Foods that must be cooled or heated to a certain temperature to be safe to eat are termed *time/temperature control for safety* (TCS) foods.

**Not allowed:** You may not sell homemade TCS foods such as barbecue sauce, cream pies, cut melons, hot chocolate, raw seed sprouts, milk or dairy products, or fruit or vegetable juices (Table 1).

**Allowed:** You may sell homemade non-TCS foods such as cookies, pickles, and fruit pies, as long as they do not need to be kept at specific temperatures.

Also, you may use potentially hazardous ingredients to prepare a food, such as eggs and milk for a cake. However, you may not sell it if the final product requires time or temperature control to prevent the growth of bacteria. An example is a cake with cream cheese frosting.

## Locations

**Allowed:** Homemade foods may be sold at your home, a farmers market, a farm stand, or at city, county, and nonprofit events. You may also deliver your foods to the customer, where the sale can then take place.

**Not allowed:** You may not sell homemade foods over the Internet, by mail order, or at wholesale.

**Table 1. Examples of homemade foods that may and may not be sold under the Texas cottage food law.**

Allowed	Not allowed	
Baked goods that don't need refrigeration, such as biscuits, breads, cakes, cookies, muffins, pastries, pies, or rolls	Baked goods that require any type of refrigeration	Kolaches with meat
Beans, dried	Barbecue sauce	Lemonade
Butters, fruit, unroasted nut	Bread, focaccia-style, with vegetables or cheeses	Meat or meat products, fresh or dried
Candy	Butter, vegetable	Milk and dairy products
Cereal, including granola	Cakes with cream cheese icings or fillings	Pasta, dried
Coffee, roasted	Cheeses, hard, soft, and cottage	Pastries with cream cheese icings or fillings
Dry mixes	Fish or shellfish products	Pickled products, canned
Fruits, dried	Fruit, canned, cut, fresh, including fresh fruits dipped or coated in chocolate or similar confections	Pies, cream, custard, and meringue
Herbs and herb mixes, dried	Graham crackers, chocolate covered	Relishes
Jams and jellies, canned	Hot chocolate	Rice Krispies treats, chocolate-covered
Mustard	Ice or ice products	Salsa
Nuts, coated or uncoated	Jerky	Sauerkraut
Pickles (cucumber only)	Juices, fruit or vegetable	Seed sprouts, raw
Pies, fruit	Ketchup	Sorghum
Popcorn snacks		Vegetables, canned fruits
Tea, dry		Vegetables, fresh, cut
Vegetables, dried		Yogurt
Vinegar		

### Packaging and labeling

The foods must be packaged to prevent contamination. Bulky items such as wedding cakes are exempt from the packaging requirements. However, use common sense to keep them safe to eat.

The labels on foods sold under the Cottage Food Law must include:

- The name and physical address of the operation
- The common or usual name of the product
- A list of any major food allergens—such as eggs, nuts, soy, peanuts, milk, or wheat—in the food

- 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.*

Food labels must be attached to the package unless the item is too large or bulky to be packaged. For those foods, the label should be added to the sales receipt.

### Food handler certification

An owner of a cottage food business is required to have a food handler card from a state-accredited program, such as the Texas A&M AgriLife Extension Service.



## Safe food handling practices

Each year, nearly one in six people become sick from foodborne bacteria. Although everyone is at risk for a foodborne illness, those with the highest risk are pregnant women, young children, older adults, and people with chronic disease or a compromised immune system.

To reduce the risk of foodborne illness:

- Practice good personal hygiene.
- Prevent germs from spreading from one surface or food to another (cross contamination).
- Cook food to the proper temperature.
- Store all foods properly.

If you are making shelf-stable food products such as jams, jellies, or pickles, use tested recipes and process them correctly in a boiling water bath canner.

## For more information

The Texas Health and Safety Code § 437.001:  
<http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.437.htm>

Texas Department of State Health Services–  
Retail Foods Division: <https://www.dshs.state.tx.us/foodestablishments/>

Further information on Texas cottage foods law and the requirements for earning a food handlers card is available from your county Extension agent (<http://counties.agrilife.org/>) and at <http://foodsafetyonline.tamu.edu>

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