

FOOD FREEDOM LAW

SB 541- The Texas Cottage Food law just got a major upgrade – see what changes are in store for September 1, 2025.

Information Shared by: <https://texascottagefoodlaw.com/sb541>

FOODS THAT CAN BE SOLD DIRECTLY TO THE CONSUMER AS OF SEPTEMBER 1, 2025:

ANY FOODS OTHER THAN:

- (i) meat, meat products, poultry, or poultry products (this doesn't mean eggs, it means the carcass of a chicken);
- (ii) seafood, including seafood products, fish, fish products, shellfish, and shellfish products;
- (iii) ice or ice products, including shaved ice, ice cream, frozen custard, popsicles, and gelato;
- (iv) low-acid canned goods;
- (v) products containing cannabidiol or tetrahydrocannabinol; or
- (vi) raw milk and raw milk products

TIME AND TEMPERATURE CONTROLLED FOR SAFETY (TCS) FOODS:

- You must register with DSHS to sell foods that require time or temperature control for safety (TCS) – otherwise known as refrigeration. DSHS must write rules for the registration process, it is not ready yet.
- The food must be additionally labeled with the date the food was produced.
- The food label, invoice, or receipt must include the following statement in at least 12-point font: "SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria, keep this food refrigerated or frozen until the food is prepared for consumption."
- You must store and deliver the food at the air temperature necessary to prevent the growth of bacteria that may cause human illness.
- TCS foods may only be sold directly to the consumer.

GROSS ANNUAL SALES

The sales cap has tripled to \$150,000 in gross food sales per year. From now on, this amount will be indexed for inflation.

WHOLESALE – COTTAGE FOOD VENDORS

Non-time and temperature control for safety (NCTS) foods may be sold through a "Cottage Food Vendor" directly to consumers at a farmer's market, farm stand, food service establishment (restaurant), or any retail store.**SB 541**

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- It is the third party selling your food that must register as the vendor, not you the producer.
- DSHS must write rules for the registration process, it is not ready yet.
- The cottage food vendor must display in a prominent place near the location where the food is offered for sale a sign with the following disclosure “THIS PRODUCT WAS PRODUCED IN A PRIVATE RESIDENCE THAT IS NOT SUBJECT TO GOVERNMENTAL LICENSING OR INSPECTION.”
- Any food you are selling through the cottage food vendor must include on the label the date the food was made.

LABELS

- You will be able to omit your home address from your label by registering with DSHS to get a unique identifier number that you can print on the labels instead of your address. DSHS must write the rules for this process, it is not ready yet.
- New statement of non-inspection (identical to vendor disclosure): “THIS PRODUCT WAS PRODUCED IN A PRIVATE RESIDENCE THAT IS NOT SUBJECT TO GOVERNMENTAL LICENSING OR INSPECTION.”
- You must include on your label the date the food was produced ONLY for:
 - Time and temperature control foods
 - Foods sold through a Cottage Food Vendor
- In other words, no production date is required for selling foods that are currently allowed directly to the consumer.

DONATING FOOD

- Cottage food producers can now donate a non-time and temperature control for safety food (NTCS) for sale or service at an event, including a religious or charitable organization’s bake sale, to the same extent an individual is allowed by law to donate food. This used to be a gray area that is now resolved in favor of the cottage food producer.

SAMPLING

- Clarifies that no permits or fees are required to sample cottage foods.
- Rules for sampling at any event are now the same as those for farmers’ markets ([Texas Health and Safety Code Sec. 437.020](#)):
 - (1) samples must be distributed in a sanitary manner;
 - (2) a person preparing produce samples on-site must:
 - (A) wear clean, disposable plastic gloves when preparing samples; or
 - (B) observe proper hand washing techniques immediately before preparing samples;
 - (3) produce intended for sampling must be washed in potable water to remove any soil or other visible material;

- (4) potable water must be available for washing;
 - (5) Time and temperature control for safety (TCS) food must be maintained at or below 41 degrees Fahrenheit or disposed of within two hours after cutting or preparing; and
 - (6) utensils and cutting surfaces used for cutting samples must be smooth, nonabsorbent, and easily cleaned or disposed of.
- You can only sample food you are allowed to sell under the cottage food law; in other words, if your product is a spice blend, you can't sample chicken or steak seasoned with the blend.
 - A health inspector MAY inspect your sampling setup for compliance.

PERMIT FEES

- Explicitly states that a local government authority, including a local health department, may not regulate the production of food at a cottage food production operation; or require a cottage food production operation to obtain any type of license or permit or pay any fee to produce or sell cottage foods directly to a consumer or cottage food vendor.
- It has teeth; a local government authority, including a local health department, may not employ or continue to employ a person who knowingly requires or attempts to require a cottage food production operation to obtain a license in violation of this section.