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Cottage Food Production Operations in the City of Garland

Definition

A cottage food production operation is defined as an individual, operating out of the individual's home, who:

- Produces a baked good, candy, coated and uncoated nuts, unroasted nut butters, fruit butters, a canned jam or jelly, a fruit pie, dehydrated fruit or vegetables, including dried beans, popcorn and popcorn snacks, cereal, including granola, dry mix, vinegar, mustard, roasted coffee or dry tea, dried herb or dried herb mix, whole (uncut) frozen fruits or vegetables, and the following items, as long as the pH is 4.6 or less: canned acidified plant-based foods, fermented vegetables, pickled fruits or vegetables. All items must not require time or temperature control to prevent spoilage.
- Has an annual gross income of \$50,000 or less from the sale of the described foods.
- Sells the foods produced directly to consumers (no wholesaling to retailer).
- Orders may be taken via internet or mail order, but delivery must be at the point of sale or another location designated by the consumer.

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 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.

You must obtain a food handler's card prior to selling your food. If you have anyone assisting you in the preparation of your product, such as an employee, they must also obtain a card if at any time they will be unsupervised by you. This does not include members of your household.

Sampling

A cottage food production operation that provides open samples require a temporary food permit from the City of Garland. If samples are prepacked and properly labeled, no temporary food permit is required.

Frozen fruits and vegetables:

- Must be whole and uncut
- Must be stored and delivered to the customer at an air temperature of not more than 32 degrees F
- On the item label, or on an invoice or receipt provided to the customer, the following statement in at least 12-point font: "SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria, keep this food frozen until preparing for consumption."

Pickled/Fermented/Acidified plant-based products

Included foods:

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***All finished products must have a final pH of 4.6 or less.**

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Food Labeling

- Foods sold by a cottage food production operation must be packaged and labeled. The label must include the following information: The name and physical address of the cottage food production operation;
- The common name of the product
- If a food is made with a major food allergen (eggs, nuts, soy, peanuts, milk or wheat), that ingredient must be listed on the label; and
- A 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."
- For pickled fruit or vegetables, fermented vegetable products, or plant-based acidified canned goods, a cottage food producer must label the batch with a unique number, the recipe used, source or recipe or testing results, and date the batch was prepared..

Visit <https://www.dshs.texas.gov/foode establishments/cottagefood/faq.aspx> for FAQ regarding Texas Cottage Food Operations and more information on pickled/fermented/acidified plant-based food recipes requirements and frozen fruit and vegetable sales.

For more helpful information visit www.TexasCottageFoodLaw.com.