

COTTAGE FOOD LAW REPORT

El Paso County

Texas · El Paso · FIPS 48141 · Population 863,832 · Crosodo
Index #467*

STATE BASELINE

Tex. Health & Safety §437.001 et seq. (SB 541, 2025; cap \$150,000)

STATE TIER

Great

ANNUAL SALES CAP (STATE)

150000

CONFIDENCE

MEDIUM

LAST VERIFIED

2026-05-05

IMPORTANT — NOT LEGAL ADVICE

This report compiles publicly-available statutes, regulations, and county zoning rules into a research reference. It is **not legal advice** and is provided **without warranty** as to accuracy, completeness, or current applicability.

Cottage food law changes frequently. Counties may amend zoning, health departments may issue new permits, and state legislatures may update statutes after the publication date shown above.

Always verify rules directly with your state department of health/agriculture and your county health and planning offices before relying on them for any business or regulatory decision. Consult a licensed attorney for advice specific to your situation.

How to start — 60-second path

El Paso County, Texas — permit, pickup, and label steps before the full county rules.

HOME KITCHEN ALLOWED?

Yes

STATE SALES CAP

150000

HOME OCCUPATION PERMIT?

Conditional

ON-SITE / PORCH PICKUP?

Yes

INSPECTION

No

PETS

Not specified; standard sanitation applies

BEFORE YOU SELL FROM THIS ADDRESS

- ☐ **1. Menu** — Confirm each product under Texas cottage food rules (county cannot expand a state ban).
- ☐ **2. Pickup & zoning** — Home occupation and porch pickup cells above; HOA/lease may still block customer traffic.
- ☐ **3. Local tax / license** — Business license or sales tax certificate if your city/parish requires it (common even with no state food permit).
- ☐ **4. Training** — Food handler or state registration before market day.
- ☐ **5. Labels** — Disclaimer, allergens, ingredients, net quantity, producer info.
- ☐ **6. Call if unclear** — County health and planning for your exact address.

LABEL FIELDS TO INCLUDE

- ☐ Product name · producer name · address (or allowed alternative)
- ☐ Ingredients by weight · major allergens · net weight/quantity
- ☐ Texas home-kitchen disclaimer (see live label one-pager)

CONTINUE ONLINE

Open the live county page →

Texas label one-pager →

Local notes & questions →

Planning path only — not legal advice. Rules change. Always verify with state and local offices before selling.

TEXAS: EL PASO COUNTY

CROSODO INDEX #467* · FIPS 48141 · El Paso

El Paso County

Population 863,832 · State baseline: Tex. Health & Safety §437.001 et seq. (SB 541, 2025; cap \$150,000) · **MEDIUM**

QUICK VIEW FOR BAKERS IN THIS COUNTY**HOME KITCHEN ALLOWED?**

Yes (Texas strong state preemption applies. No local permit, inspection, or fee for cottage food production. Must be in private home kitchen. Food handler certification required.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

Not specified; standard sanitation applies

HOME OCCUPATION PERMIT?

Conditional (No municipal zoning can prevent cottage food operations. City of El Paso may have home occupation permit requirements for business activities separate from food safety regulation. Contact City of El Paso Development Services Department for home occupation requirements. County rules apply only in unincorporated areas.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (No local health department inspection authority. DSHS/local health authority may only act to prevent immediate and serious threat to human life.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Texas strong state preemption applies. No local permit, inspection, or fee for cottage food production. Must be in private home kitchen. Food handler certification required.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	Not specified; standard sanitation applies
WATER SUPPLY	Potable water required
HANDWASHING	Food handler certification required from accredited program
FOOD STORAGE	Standard food storage practices

Inspection & permitting

INSPECTION REQUIRED	No — No local health department inspection authority. DSHS/local health authority may only act to prevent immediate and serious threat to human life.
HOME OCCUPATION PERMIT	Conditional — No municipal zoning can prevent cottage food operations. City of El Paso may have home occupation permit requirements for business activities separate from food safety regulation. Contact City of El Paso Development Services Department for home occupation requirements. County rules apply only in unincorporated areas.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct-to-consumer including online with personal delivery within Texas. SB 541 (2025): wholesale to registered cottage food vendors permitted for non-TCS foods. No mail/carrier shipping. \$150,000 annual cap.
MAX EMPLOYEES IN HOME	Unknown

Relevant county code

Tex. Health & Safety §437.001 et seq.; City of El Paso zoning code for home occupations

RESEARCH NOTES

El Paso County follows Texas state baseline. The City of El Paso contains the vast majority of the county population. Texas strong preemption prevents local health department regulation of cottage food. No El Paso County-specific cottage food ordinance found beyond state law.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.epcounty.com>

<https://www.dshs.texas.gov/food-establishments/cottage-food-production-operations>

<https://texascottagefoodlaw.com/basics/>

Questions about this county? Local notes and a place to leave a question: crosodo.com/nb/texas/el-paso-county-discuss

Bordering counties — cottage food law

Regulation	El Paso County	Hudspeth County	Dona Ana County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	Not specified; standard sanitation applies	No specific state restriction on pets in home for cottage food operations.	No explicit state-level pet restriction documented for New Mexico Homemade Food Act. Standard sanitation practices apply.
INSPECTION REQUIRED	No	No	No
ON-SITE CUSTOMER PICKUP	Yes	Yes	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Direct-to-consumer including online with personal delivery within Texas. SB 541 (2025): wholesale to registered cottage food vendors permit...	Sales allowed direct-to-consumer, at farmers markets, online (statewide), fairs, roadside stands, and through nonprofit organizations (SB 5...	New Mexico Homemade Food Act allows sales through any channel including farmers markets, festivals, internet, roadside stands, home pickup/...
HOME OCCUPATION PERMIT	Conditional	No	Conditional
LOCAL BUSINESS LICENSE	Varies	No	Varies
RESTRICTIONS	Texas strong state preemption applies. No local permit, inspection, or fee for cottage food production. Must be in private home kitchen. Fo...	Texas allows cottage food from residential home kitchens. Annual gross income cap of \$150,000 (SB 541, 2025). No registration, permit, or i...	New Mexico Homemade Food Act (NMSA §25-12-3, effective July 1, 2021) permits production of non-TCS foods from private residences. No sales ...
FOOD STORAGE	Standard food storage practices	Non-TCS products must be shelf-stable. TCS foods allowed under SB 541 with registration. Proper storage to prevent contamination required.	Non-TCS (not time/temperature-controlled-for-safety) foods only. Standard safe storage practices required.
POPULATION	863,832	4,886	219,870

State context — Texas cottage food law

El Paso County's rules sit on top of Texas's state cottage food framework. The state law sets the floor — counties can add but cannot remove protections.

STATUTE

Tex. Health & Safety §437.001 et seq.

ANNUAL SALES CAP

150000

REGISTRATION REQUIRED

No

FOOD HANDLER CERT

No

KITCHEN INSPECTION

No

DIRECT SALES ONLY

No

INDIRECT SALES

Limited (see notes) — Sales must be made directly to consumers or to a 'cottage food vendor' (a new category created by SB 541 in 2025 – a person with a contractual relationship who sells on behalf of the cottage food operation to consumers in-state). Cottage food products may not be sold as ingredients to a food service establishment. No retail grocery store or wholesale sales permitted under the pre-2025 framework; SB 541 (2025) adds the cottage food vendor intermediary option. Products must be delivered to consumer or vendor at point of sale or consumer-designated location.

For the full state-level analysis including the verbatim statute text, see the [Texas cottage food law report](#) on Crosodo, or open the live guide: crosodo.com/states/texas.

STATE-LEVEL REFERENCES

State statute: <https://statutes.capitol.texas.gov/Docs/HS/htm/HS.437.htm>

State dept cottage food page: <https://www.dshs.texas.gov/food-establishments/cottage-food-production-operations>

Forrager.com: <https://forrager.com/law/texas/>

Questions about El Paso County? Local notes and a place to leave a question are on Crosodo. We monitor new threads — start with zoning, permits, or porch pickup.

crosodo.com/nb/texas/el-paso-county-discuss

Classifieds

Resources for cottage food & home bakers · crosodo.com/advertise

NATIONAL

SUPPLIES

Advertise here — Supplies

Reach home bakers across the country. crosodo.com/advertise

COURSES

Advertise here — Courses

Reach home bakers across the country. crosodo.com/advertise

INSURANCE

Advertise here — Insurance

Reach home bakers across the country. crosodo.com/advertise

LOCAL

Advertise here

Reach home bakers in El Paso County, Texas. Supply stores, farmers markets, kitchen rentals, and bakery services welcome.

crosodo.com/advertise

Your business here

Local cottage food listings, kitchen rentals, co-packer referrals, and community events — post yours on Crosodo.

crosodo.com/nb/texas/el-paso-county-discuss

Free ad space available

Let us know if you're a non-profit or community organization. Farmers markets, kitchen rentals, and cottage food events near you welcome.

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