

COTTAGE FOOD LAW REPORT

Hays County

Texas · San Marcos · FIPS 48209 · Population 245,351 ·
Crosodo Index #443*

STATE BASELINE

Tex. Health & Safety §437.001 et seq.

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

Hays 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 in state statute

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: HAYS COUNTY

CROSODO INDEX #443* · FIPS 48209 · San Marcos

Hays County

Population 245,351 · State baseline: Tex. Health & Safety §437.001 et seq. · **MEDIUM**

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (No license, registration, or inspection required from health department. \$150,000 annual gross sales cap (SB 541, 2025). Almost all non-TCS foods allowed. Label must state 'made in a home kitchen'. Hays County and San Marcos may require home occupation permit.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

Not specified in state statute

HOME OCCUPATION PERMIT?

Conditional (Hays County and City of San Marcos may require home occupation permit or business license. Check with Hays County Development Services or San Marcos Planning Department.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (Health department may only act to prevent immediate/serious threat to human life)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — No license, registration, or inspection required from health department. \$150,000 annual gross sales cap (SB 541, 2025). Almost all non-TCS foods allowed. Label must state 'made in a home kitchen'. Hays County and San Marcos may require home occupation permit.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	Not specified in state statute
WATER SUPPLY	Potable water; no formal testing requirement for cottage food
HANDWASHING	No formal certification required by state
FOOD STORAGE	Non-TCS shelf-stable foods; prohibited: meat, poultry, seafood, ice products, low-acid canned goods

Inspection & permitting

INSPECTION REQUIRED	No — Health department may only act to prevent immediate/serious threat to human life
HOME OCCUPATION PERMIT	Conditional — Hays County and City of San Marcos may require home occupation permit or business license. Check with Hays County Development Services or San Marcos Planning Department.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct and limited indirect sales; farmers markets, online, home delivery, third-party delivery platforms allowed.
MAX EMPLOYEES IN HOME	Not specified in state statute

Relevant county code

Tex. Health & Safety Code §437.001 et seq.; Hays County zoning

RESEARCH NOTES

Hays County TX follows the Texas state baseline. \$150,000 cap from SB 541 (2025). Fast-growing county in Austin metro area. No county-specific cottage food ordinance found. Confidence medium — Texas state law confirmed but no specific Hays County .gov cottage food source retrieved.

SOURCES VERIFIED AT RESEARCH TIME

<https://hayscountytexas.com>

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

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

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

Bordering counties — cottage food law

Regulation	Hays County	Guadalupe County	Comal County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	Not specified in state statute	No explicit state restriction; good manufacturing practices apply.	No explicit state restriction; good manufacturing practices apply.
INSPECTION REQUIRED	No	No	No
ON-SITE CUSTOMER PICKUP	Yes	Yes	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Direct and limited indirect sales; farmers markets, online, home delivery, third-party delivery platforms allowed.	Online sales, in-state delivery, and direct sales from home, farmers markets allowed. No interstate sales.	Online, in-state delivery, and direct sales from home and farmers markets permitted. No interstate sales.
HOME OCCUPATION PERMIT	Conditional	Conditional	Conditional
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	No license, registration, or inspection required from health department. \$150,000 annual gross sales cap (SB 541, 2025). Almost all non-TCS...	Non-TCS foods only. Annual sales cap \$150,000 (SB 541, 2025). No registration or inspection required. Health departments may not regulate c...	Non-TCS foods only. Annual sales cap \$150,000 (SB 541, 2025). No registration or inspection required. Health departments prohibited from re...
FOOD STORAGE	Non-TCS shelf-stable foods; prohibited: meat, poultry, seafood, ice products, low-acid canned goods	Shelf-stable storage for permitted non-TCS foods.	Shelf-stable storage for non-TCS foods.
POPULATION	245,351	173,828	165,201

State context — Texas cottage food law

Hays 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 Hays 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/hays-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 Hays 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/hays-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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