

COTTAGE FOOD LAW REPORT

Montgomery County

Texas · Conroe · FIPS 48339 · Population 629,989 · Crosodo
Index #442*

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

Montgomery 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

No specific state cottage food pet restriction; general sanitation standards apply

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: MONTGOMERY COUNTY

CROSODO INDEX #442* · FIPS 48339 · Conroe

Montgomery County

Population 629,989 · State baseline: Tex. Health & Safety §437.001 et seq. · **MEDIUM**

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (No TCS foods without registration (as of SB 541, 2025). Non-TCS foods: no license, permit, or inspection required. Food handler certification required. Local public health entities may NOT regulate production, require a permit, or charge fees for direct-to-consumer sales.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific state cottage food pet restriction; general sanitation standards apply

HOME OCCUPATION PERMIT?

Conditional (Texas state law (Tex. Health & Safety §437.001 et seq.) expressly preempts local public health entities from regulating cottage food production or requiring permits/fees. Montgomery County's unincorporated areas are generally permissive for home-based businesses. However, cities within Montgomery County (Conroe, The Woodlands area, etc.) may have home occupation zoning ordinances. Check with specific city for any home occupation permit requirements.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (Health departments have NO regulatory authority to inspect cottage food operations or require fees. SB 541 (2025) maintains this preemption.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — No TCS foods without registration (as of SB 541, 2025). Non-TCS foods: no license, permit, or inspection required. Food handler certification required. Local public health entities may NOT regulate production, require a permit, or charge fees for direct-to-consumer sales.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	No specific state cottage food pet restriction; general sanitation standards apply
WATER SUPPLY	No specific water testing requirement in state cottage food law
HANDWASHING	Implied by food handler certification requirement
FOOD STORAGE	Standard home kitchen storage; products must not be adulterated

Inspection & permitting

INSPECTION REQUIRED	No — Health departments have NO regulatory authority to inspect cottage food operations or require fees. SB 541 (2025) maintains this preemption.
HOME OCCUPATION PERMIT	Conditional — Texas state law (Tex. Health & Safety §437.001 et seq.) expressly preempts local public health entities from regulating cottage food production or requiring permits/fees. Montgomery County's unincorporated areas are generally permissive for home-based businesses. However, cities within Montgomery County (Conroe, The Woodlands area, etc.) may have home occupation zoning ordinances. Check with specific city for any home occupation permit requirements.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Non-TCS foods: direct sales at home, farmers markets, online, mail/delivery, roadside stands. Third-party online platforms (Goldbelly, Amazon, etc.) allowed. \$150,000 annual gross sales cap. TCS foods: registration with DSHS required (effective Sept 1, 2025 per SB 541); may sell to cottage food vendors. Internet sales including across state lines permitted.
MAX EMPLOYEES IN HOME	Not restricted by state cottage food law

Relevant county code

Tex. Health & Safety §437.001 et seq.; SB 541 (2025) for TCS food registration

RESEARCH NOTES

Texas is a Great-tier state with strong preemption of local health department regulation. Montgomery County (unincorporated) has no authority to require permits or fees for cottage food production. SB 541 (2025) expanded the law to allow TCS foods with DSHS registration. \$150,000 annual cap. Food handler certification required. State law does not preempt general home occupation zoning rules from cities (only health-department-style regulations are preempted). Montgomery County is rapidly growing suburban/exurban county; most population in unincorporated areas. No Montgomery County-specific cottage food overlay rules found. Confidence medium because city-level rules for Conroe and other municipalities were not specifically retrieved.

SOURCES VERIFIED AT RESEARCH TIME

<https://mctx.org>

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

<https://texascottagefoodlaw.com/>

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

Bordering counties — cottage food law

Regulation	Montgomery County	Harris County	Liberty County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific state cottage food pet restriction; general sanitation standards apply	State baseline applies	No specific restriction under Texas cottage food law.
INSPECTION REQUIRED	No	No	No
ON-SITE CUSTOMER PICKUP	Yes	Yes	Yes
ON-SITE SIGNAGE	Conditional	Yes	Conditional
DELIVERY / PICKUP	Non-TCS foods: direct sales at home, farmers markets, online, mail/delivery, roadside stands. Third-party online platforms (Goldbelly, Amaz...	State law allows direct sales, indirect sales (to restaurants and retailers), and online/delivery sales. No county-level restriction. Texas...	Direct and indirect sales allowed. Online, home delivery, farmers markets, events, retail stores all permitted. Internet sales expressly al...
HOME OCCUPATION PERMIT	Conditional	No	Varies
LOCAL BUSINESS LICENSE	Varies	Varies by city	Varies
RESTRICTIONS	No TCS foods without registration (as of SB 541, 2025). Non-TCS foods: no license, permit, or inspection required. Food handler certificati...	Harris County has no county-level zoning in its unincorporated areas, meaning no county zoning ordinance applies to home-based cottage food...	Texas cottage food law: no registration, no permit, no inspection required. Annual gross sales cap \$150,000 (SB 541, 2025). Allowed: all no...
FOOD STORAGE	Standard home kitchen storage; products must not be adulterated	State baseline applies	Non-TCS foods only; must be labeled.
POPULATION	629,989	4,726,177	93,523

State context — Texas cottage food law

Montgomery 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 Montgomery 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/montgomery-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 Montgomery 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/montgomery-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.

Ads are paid placements. Crosodo does not endorse listed vendors. Verify all information independently. · To advertise: crosodo.com/advertise