

COTTAGE FOOD LAW REPORT

Wharton County

Texas · Wharton · FIPS 48481 · Population 42,035 · Crosodo
Index #127*

STATE BASELINE

Tex. Health & Safety §437.001 et seq.

STATE TIER

Great

ANNUAL SALES CAP (STATE)

150000

CONFIDENCE

MEDIUM

LAST VERIFIED

2026-05-06

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

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

HOME KITCHEN ALLOWED?

Yes

STATE SALES CAP

150000

HOME OCCUPATION PERMIT?

No

ON-SITE / PORCH PICKUP?

Yes

INSPECTION

No

PETS

No specific pet restriction in state cottage food law.

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: WHARTON COUNTY

CROSODO INDEX #127* · FIPS 48481 · Wharton

Wharton County

Population 42,035 · State baseline: Tex. Health & Safety §437.001 et seq. · MEDIUM

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (Texas cottage food law (SB 541, effective Sept 1 2025) allows sale of nearly all non-TCS foods plus TCS foods directly to consumers. Annual gross income cap \$150,000 (CPI-indexed). No permit, license, or inspection fee may be required by any local or county authority. Wharton County is a rural Gulf Coast Prairies county with no county zoning code; state law governs.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific pet restriction in state cottage food law.

HOME OCCUPATION PERMIT?

No (Texas law explicitly prohibits local health departments and county governments from requiring cottage food producers to obtain any license, permit, or pay any fee. Wharton County has no county zoning ordinance for unincorporated areas.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

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

Home kitchen rules

HOME KITCHEN ALLOWED

Yes — Texas cottage food law (SB 541, effective Sept 1 2025) allows sale of nearly all non-TCS foods plus TCS foods directly to consumers. Annual gross income cap \$150,000 (CPI-indexed). No permit, license, or inspection fee may be required by any local or county authority. Wharton County is a rural Gulf Coast Prairies county with no county zoning code; state law governs.

SEPARATE DEDICATED KITCHEN

No

PET RESTRICTIONS

No specific pet restriction in state cottage food law.

WATER SUPPLY

No specific state cottage food water testing requirement.

HANDWASHING

No specific state cottage food handwashing mandate beyond food safety education requirement.

FOOD STORAGE

Non-TCS foods unrestricted; TCS foods must be held at proper temperatures ($\leq 41^{\circ}\text{F}$ or $\geq 135^{\circ}\text{F}$).

Inspection & permitting

INSPECTION REQUIRED

No — No routine inspection. DSHS or local health authority may act only to prevent an immediate and serious threat to human life or health.

HOME OCCUPATION PERMIT

No — Texas law explicitly prohibits local health departments and county governments from requiring cottage food producers to obtain any license, permit, or pay any fee. Wharton County has no county zoning ordinance for unincorporated areas.

LOCAL BUSINESS LICENSE

No

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Yes
DELIVERY / PICKUP RULES	Direct-to-consumer sales anywhere in Texas including home pickup, farmers markets, events, and online (with personal delivery). Non-TCS foods may be sold wholesale through registered cottage food vendors. No interstate shipping.
MAX EMPLOYEES IN HOME	Not specified in state statute.

Relevant county code

No county zoning ordinance identified for unincorporated Wharton County. State law preempts local cottage food regulation.

RESEARCH NOTES

Wharton County is a rural Gulf Coast Prairies county (county seat Wharton) southwest of Houston, a major rice-farming region. No county zoning authority outside incorporated municipalities. Defaulted to state baseline.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.whartoncounty.gov>

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

<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/wharton-county-discuss

Bordering counties — cottage food law

Regulation	Wharton County	Austin County	Colorado County
HOME KITCHEN ALLOWED	Yes	—	Yes
SEPARATE DEDICATED KITCHEN	No	—	No
PETS ALLOWED	No specific pet restriction in state cottage food law.	—	No specific pet restriction in state cottage food law.
INSPECTION REQUIRED	No	—	No
ON-SITE CUSTOMER PICKUP	Yes	—	Yes
ON-SITE SIGNAGE	Yes	—	Yes
DELIVERY / PICKUP	Direct-to-consumer sales anywhere in Texas including home pickup, farmers markets, events, and online (with personal delivery). Non-TCS foo...	—	All channels permitted including direct to consumer, indirect sales, farmers markets, online, delivery, and through a registered cottage fo...
HOME OCCUPATION PERMIT	No	—	Varies
LOCAL BUSINESS LICENSE	No	—	Varies
RESTRICTIONS	Texas cottage food law (SB 541, effective Sept 1 2025) allows sale of nearly all non-TCS foods plus TCS foods directly to consumers. Annual...	—	Texas cottage food law (SB 541, 2025) is highly permissive. No registration required for most operators (registration optional for address ...
FOOD STORAGE	Non-TCS foods unrestricted; TCS foods must be held at proper temperatures ($\leq 41^{\circ}\text{F}$ or $\geq 135^{\circ}\text{F}$).	—	Non-TCS foods or TCS foods held at proper temperatures required. No refrigeration mandate for shelf-stable products.
POPULATION	41,614	30,406	20,582

State context — Texas cottage food law

Wharton 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 Wharton 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/wharton-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 Wharton 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/wharton-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