

COTTAGE BAKERY FROM HOME

Can I sell from my kitchen in Gaines County, Texas?

Home kitchen sales. Not a shop or rented commercial kitchen. Last verified 2026-05-06.

STATE FOOD PERMIT

No

HOME OCCUPATION

No

BUSINESS LICENSE

No

SALES CAP

\$150,000 / year

TEXAS RULES. OPEN THESE FIRST.

[Texas permits PDF](#)[Texas cottage food law page](#)[Texas Department of State Health Services cottage food program](#)[Statute: Tex. Health & Safety §437.001 et seq.](#)**NOT LEGAL ADVICE**

This is what it takes to sell from a home kitchen in Gaines County. Confirm each step with Planning, Health, and the license office before you sell.

What you need

Gaines County, Texas. File every Yes. Confirm every Check or Ask. Stay under the sales cap.

STATE FOOD PERMIT

No

ANNUAL SALES CAP

\$150,000 / year

HOME OCCUPATION / ZONING

No

LOCAL HEALTH

No

BUSINESS LICENSE

No

PICKUP AT THE HOUSE

Yes

HOME KITCHEN ONLY

If you want a shop or a rented commercial kitchen, these rows do not apply.

HOW THIS PLACE WORKS

Texas does not let counties charge a cottage-food permit. State law says a local government may not require a permit, license, or fee for a cottage food production operation. The leftover local steps are usually city zoning, a DBA (assumed name) at the county clerk, and sales tax if your products are taxable. This packet shows the state DSHS page for the food rules.

Official source: [Texas DSHS cottage food production operations](#)

CONTINUE ONLINE

Texas permits PDF →

<https://crosodo.com/reports/pdf/permits/texas.pdf>

Texas cottage food law page →

<https://crosodo.com/states/texas>

Permit page for this place →

<https://crosodo.com/what-permits/texas/gaines-county>

Gaines County cottage food law page →

<https://crosodo.com/states/texas/gaines-county>

Not legal advice. Rules change. Confirm with the office before you file.

Where to file

State

Texas registration: No. Routine kitchen inspection: No. 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.

Texas permits PDF: crosodo.com/reports/pdf/permits/texas.pdf

State law page: crosodo.com/states/texas

Texas Department of State Health Services: <https://www.dshs.texas.gov/food-establishments/cottage-food-production-operations>

Statute: [Tex. Health & Safety §437.001 et seq.](#)

Zoning / home occupation

No. Gaines County is a rural West Texas county in the Permian Basin. Unincorporated areas have no county zoning. Texas cottage food law preempts local governments from requiring permits or licenses for cottage food production or direct sales.

Health

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

Business license

No

Pickup / delivery

Sales allowed direct-to-consumer, at farmers markets, online (statewide), fairs, roadside stands, and through nonprofit organizations (SB 541, 2025). Non-TCS cottage foods may also be sold wholesale to registered cottage food vendors.

If you rent a commissary kitchen

DSHS does not let locals permit cottage food. A commissary is different. Texas cottage food is exempt from food-establishment rules. A commissary, restaurant, or shared kitchen is a retail food establishment permitted by the local health department or DSHS.

Official source: [Texas DSHS retail food establishments](#)

Local health office we have on file: <https://www.co.gaines.tx.us>

This file is the home-kitchen path. A rented kitchen uses a different permit. Ask the kitchen manager which license they expect, then call the local health office.

SOURCES

<https://www.co.gaines.tx.us>

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

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

Gaines County and nearby places

Regulation	Gaines County	Andrews County	Dawson County
HOME KITCHEN ALLOWED	Yes	—	Yes
SEPARATE DEDICATED KITCHEN	No	—	No
PETS ALLOWED	No specific state restriction on pets in home for cottage food operations.	—	No specific pet restriction in state cottage food law.
INSPECTION REQUIRED	No	—	No
ON-SITE CUSTOMER PICKUP	Yes	—	Yes
ON-SITE SIGNAGE	Conditional	—	Yes
DELIVERY / PICKUP	Sales allowed direct-to-consumer, at farmers markets, online (statewide), fairs, roadside stands, and through nonprofit organizations (SB 5...	—	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 allows cottage food from residential home kitchens. Annual gross income cap of \$150,000 (SB 541, 2025). No registration, permit, or i...	—	Texas cottage food law (SB 541, 2025) is highly permissive. No registration required for most operators (registration optional for address ...
FOOD STORAGE	Non-TCS products must be shelf-stable. TCS foods allowed under SB 541 with registration. Proper storage to prevent contamination required.	—	Non-TCS foods or TCS foods held at proper temperatures required. No refrigeration mandate for shelf-stable products.
POPULATION	21,492	18,362	12,342

More pages for this place

These Crosodo pages cover the same home cottage-food path:

Texas permits PDF: crosodo.com/reports/pdf/permits/texas.pdf

Texas cottage food law: crosodo.com/states/texas

Gaines County cottage food law: crosodo.com/states/texas/gaines-county