

COTTAGE BAKERY FROM HOME

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

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

STATE FOOD PERMIT

No

HOME OCCUPATION

Conditional

BUSINESS LICENSE

Varies

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 Hays County. Confirm each step with Planning, Health, and the license office before you sell.

What you need

Hays 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

Conditional

LOCAL HEALTH

No

BUSINESS LICENSE

Varies

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/hays-county>

Hays County cottage food law page →

<https://crosodo.com/states/texas/hays-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

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.

Health

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

Business license

Varies

Pickup / delivery

Direct and limited indirect sales; farmers markets, online, home delivery, third-party delivery platforms allowed.

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://hayscountytexas.com>

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://hayscountytexas.com>

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

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

Hays County and nearby places

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

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

Hays County cottage food law: crosodo.com/states/texas/hays-county