

COTTAGE BAKERY FROM HOME

Can I sell from my kitchen in Montgomery 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 Montgomery County. Confirm each step with Planning, Health, and the license office before you sell.

What you need

Montgomery 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/montgomery-county>

Montgomery County cottage food law page →

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

Health

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

Business license

Varies

Pickup / delivery

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.

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://mctx.org>

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://mctx.org>

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

<https://texascottagefoodlaw.com/>

Montgomery County and nearby places

Regulation	Montgomery County	Liberty County	Walker 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	No specific restriction under Texas cottage food law.	Not specified in state statute.
INSPECTION REQUIRED	No	No	No
ON-SITE CUSTOMER PICKUP	Yes	Yes	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Non-TCS foods: direct sales at home, farmers markets, online, mail/delivery, roadside stands. Third-party online platforms (Goldbelly, Amaz...	Direct and indirect sales allowed. Online, home delivery, farmers markets, events, retail stores all permitted. Internet sales expressly al...	No registration, permit, or inspection required. May sell directly and indirectly (limited wholesale). Online sales and delivery permitted....
HOME OCCUPATION PERMIT	Conditional	Varies	Conditional
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	No TCS foods without registration (as of SB 541, 2025). Non-TCS foods: no license, permit, or inspection required. Food handler certificati...	Texas cottage food law: no registration, no permit, no inspection required. Annual gross sales cap \$150,000 (SB 541, 2025). Allowed: all no...	Almost all non-TCS foods allowed. \$150,000 annual gross income cap (raised by SB 541, 2025). No registration, permit, or inspection require...
FOOD STORAGE	Standard home kitchen storage; products must not be adulterated	Non-TCS foods only; must be labeled.	Non-TCS shelf-stable foods must be stored appropriately.
POPULATION	629,989	93,523	77,182

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

Montgomery County cottage food law: crosodo.com/states/texas/montgomery-county