

COTTAGE BAKERY FROM HOME

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

What you need

Smith 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/smith-county>

Smith County cottage food law page →

<https://crosodo.com/states/texas/smith-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. Smith County and City of Tyler may require home occupation permit or business license. Check with Tyler Planning Department or Smith County.

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://www.smith-county.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://www.smith-county.com>

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

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

Smith County and nearby places

Regulation	Smith County	Gregg County	Henderson County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	Not specified in state statute	No specific Texas state requirement; standard food safety practices recommended.	No specific statutory restriction.
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.	Texas allows direct sales and limited indirect sales (not through wholesale distributors or retail chains). Online sales and delivery allow...	All direct and indirect sales permitted within Texas framework.
HOME OCCUPATION PERMIT	Conditional	Varies	Varies
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	No license, registration, or inspection required. \$150,000 annual gross sales cap (SB 541, 2025). Almost all non-TCS foods allowed. Label m...	Texas state law allows cottage food production from a home kitchen. Health departments cannot inspect cottage food operations. Gregg County...	Texas cottage food: no registration, permit, or inspection required. Home kitchen production. Annual gross income cap \$150,000 (SB 541, 202...
FOOD STORAGE	Non-TCS shelf-stable foods; prohibited: meat, poultry, seafood, ice products, low-acid canned goods	Shelf-stable non-TCS products stored per food safety standards. TCS foods not permitted under cottage food framework.	No specific statutory requirement.
POPULATION	234,667	124,245	82,627

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

Smith County cottage food law: crosodo.com/states/texas/smith-county