

## COTTAGE BAKERY FROM HOME

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

## What you need

Upshur 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/upshur-county>

**Upshur County cottage food law page →**

<https://crosodo.com/states/texas/upshur-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](https://crosodo.com/reports/pdf/permits/texas.pdf)

State law page: [crosodo.com/states/texas](https://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. Texas law explicitly prohibits local health departments and county governments from requiring cottage food producers to obtain any license, permit, or pay any fee. Upshur County has no county zoning ordinance for unincorporated areas.

### Health

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

### Business license

No

### Pickup / delivery

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.

### 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.upshurcounty.gov>

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.upshurcounty.gov>

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

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

## Upshur County and nearby places

| Regulation                 | Upshur County                                                                                                                                  | Wood County                                                                                                                                    | Harrison County                                                                                                                                 |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| HOME KITCHEN ALLOWED       | Yes                                                                                                                                            | Yes                                                                                                                                            | Yes                                                                                                                                             |
| SEPARATE DEDICATED KITCHEN | No                                                                                                                                             | No                                                                                                                                             | No                                                                                                                                              |
| PETS ALLOWED               | No specific pet restriction in state cottage food law.                                                                                         | No specific pet restriction in state cottage food law.                                                                                         | Not specified in state law                                                                                                                      |
| INSPECTION REQUIRED        | No                                                                                                                                             | No                                                                                                                                             | No                                                                                                                                              |
| ON-SITE CUSTOMER PICKUP    | Yes                                                                                                                                            | Yes                                                                                                                                            | Yes                                                                                                                                             |
| ON-SITE SIGNAGE            | Yes                                                                                                                                            | Yes                                                                                                                                            | Conditional                                                                                                                                     |
| DELIVERY / PICKUP          | Direct-to-consumer sales anywhere in Texas including home pickup, farmers markets, events, and online (with personal delivery). Non-TCS foo... | Direct-to-consumer sales anywhere in Texas including home pickup, farmers markets, events, and online (with personal delivery). Non-TCS foo... | Direct and limited indirect sales at designated venues; delivery by producer permitted in-state                                                 |
| HOME OCCUPATION PERMIT     | No                                                                                                                                             | No                                                                                                                                             | Varies                                                                                                                                          |
| LOCAL BUSINESS LICENSE     | No                                                                                                                                             | 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, effective Sept 1 2025) allows sale of nearly all non-TCS foods plus TCS foods directly to consumers. Annual... | Annual sales cap \$150,000. No food handler cert required. No state registration required. No inspection required. Non-TCS foods only. Limit... |
| 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 unrestricted; TCS foods must be held at proper temperatures ( $\leq 41^{\circ}\text{F}$ or $\geq 135^{\circ}\text{F}$ ).         | Appropriate storage for shelf-stable products                                                                                                   |
| POPULATION                 | 41,261                                                                                                                                         | 45,341                                                                                                                                         | 69,098                                                                                                                                          |

## 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](https://crosodo.com/reports/pdf/permits/texas.pdf)

Texas cottage food law: [crosodo.com/states/texas](https://crosodo.com/states/texas)

Upshur County cottage food law: [crosodo.com/states/texas/upshur-county](https://crosodo.com/states/texas/upshur-county)