88R11094 MCF-D

By:  Hefner H.B. No. 2971

A BILL TO BE ENTITLED

AN ACT

relating to the delivery of cottage food by mail.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 437.001(2-b), Health and Safety Code, is amended to read as follows:

(2-b)  "Cottage food production operation" means an individual, operating out of the individual's home, who:

(A)  produces at the individual's home, subject to Section 437.0196:

(i)  a baked good that is not a time and temperature control for safety food, as defined by Section 437.0196;

(ii)  candy;

(iii)  coated and uncoated nuts;

(iv)  unroasted nut butters;

(v)  fruit butters;

(vi)  a canned jam or jelly;

(vii)  a fruit pie;

(viii)  dehydrated fruit or vegetables, including dried beans;

(ix)  popcorn and popcorn snacks;

(x)  cereal, including granola;

(xi)  dry mix;

(xii)  vinegar;

(xiii)  pickled fruit or vegetables, including beets and carrots, that are preserved in vinegar, brine, or a similar solution at an equilibrium pH value of 4.6 or less;

(xiv)  mustard;

(xv)  roasted coffee or dry tea;

(xvi)  a dried herb or dried herb mix;

(xvii)  plant-based acidified canned goods;

(xviii)  fermented vegetable products, including products that are refrigerated to preserve quality;

(xix)  frozen raw and uncut fruit or vegetables; or

(xx)  any other food that is not a time and temperature control for safety food, as defined by Section 437.0196;

(B)  has an annual gross income of $50,000 or less from the sale of food described by Paragraph (A);

(C)  sells the foods produced under Paragraph (A) only directly to consumers; and

(D)  delivers products to the consumer:

(i)  at the point of sale or another location designated by the consumer; or

(ii)  by mail.

SECTION 2.  Section 437.0194(b), Health and Safety Code, is amended to read as follows:

(b)  A cottage food production operation may sell a food described by Section 437.001(2-b)(A) in this state through the Internet or by mail order only if[~~:~~

[~~(1)  the consumer purchases the food through the Internet or by mail order from the operation and the operator personally delivers the food to the consumer; and~~

[~~(2)~~]  subject to Subsection (c), before the operator accepts payment for the food, the operator provides all labeling information required by Section 437.0193(d) and department rules to the consumer by:

(1) [~~(A)~~]  posting a legible statement on the operation's Internet website;

(2) [~~(B)~~]  publishing the information in a catalog; or

(3) [~~(C)~~]  otherwise communicating the information to the consumer.

SECTION 3.  This Act takes effect September 1, 2023.