

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;

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

4 (xiv) mustard;

5 (xv) roasted coffee or dry tea;

6 (xvi) a dried herb or dried herb mix;

7 (xvii) plant-based acidified canned goods;

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

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

12 (xx) any other food that is not a time and  
13 temperature control for safety food, as defined by Section  
14 [437.0196](#);

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

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

19 (D) delivers products to the consumer:

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

22 (ii) by mail.

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

25 (b) A cottage food production operation may sell a food  
26 described by Section [437.001](#)(2-b)(A) in this state through the  
27 Internet or by mail order only if[+]

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

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

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

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

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

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