

By: Hall

S.B. No. 329

A BILL TO BE ENTITLED

AN ACT

relating to the definition of a cottage food production operation.

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~~  
16 ~~less from the sale of food described by Paragraph (A)];~~

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

19 (C) ~~[(D)]~~ delivers products to the consumer at  
20 the point of sale or another location designated by the consumer.

21 SECTION 2. As soon as practicable after the effective date  
22 of this Act, the executive commissioner of the Health and Human  
23 Services Commission shall adopt the rules necessary to implement  
24 the change in law made by this Act.

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