

By: Hull

H.B. No. 2588

A BILL TO BE ENTITLED

AN ACT

relating to cottage food production operations.

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

SECTION 1. This Act shall be known as the Food Freedom Act.

SECTION 2. Section 437.001, Health and Safety Code, is amended by amending Subdivision (2-b) and adding Subdivisions (3) and (5-a) to read as follows:

(2-b) "Cottage food production operation" means an individual, operating out of the individual's home, ~~who~~ or a nonprofit organization that:

(A) produces at the individual's home or the home of an individual who is a director or officer of the nonprofit organization, as applicable, ~~subject to Section 437.0196~~, any food except:

(i) meat, meat products, poultry, or poultry products;

(ii) seafood, seafood products, fish, fish products, shellfish, or shellfish products;

(iii) ice or ice products, including shaved ice, ice cream, frozen custard, popsicles, or gelato;

(iv) low-acid canned goods;

(v) products containing CBD or THC;

(vi) raw milk or raw milk products.

~~[(i) a baked good that is not a time and~~

1 ~~temperature control for safety food, as defined by Section~~
2 ~~437.0196,~~

- 3 ~~[(ii) candy,~~
- 4 ~~[(iii) coated and uncoated nuts,~~
- 5 ~~[(iv) unroasted nut butters,~~
- 6 ~~[(v) fruit butters,~~
- 7 ~~[(vi) a canned jam or jelly,~~
- 8 ~~[(vii) a fruit pie,~~
- 9 ~~[(viii) dehydrated fruit or vegetables,~~

10 ~~including dried beans,~~

- 11 ~~[(ix) popcorn and popcorn snacks,~~
- 12 ~~[(x) cereal, including granola,~~
- 13 ~~[(xi) dry mix,~~
- 14 ~~[(xii) vinegar,~~
- 15 ~~[(xiii) pickled fruit or vegetables,~~
- 16 ~~including beets and carrots, that are preserved in vinegar, brine,~~
- 17 ~~or a similar solution at an equilibrium pH value of 4.6 or less,~~

- 18 ~~[(xiv) mustard,~~
- 19 ~~[(xv) roasted coffee or dry tea,~~
- 20 ~~[(xvi) a dried herb or dried herb mix,~~
- 21 ~~[(xvii) plant-based acidified canned~~

22 ~~goods,~~

- 23 ~~[(xviii) fermented vegetable products,~~
- 24 ~~including products that are refrigerated to preserve quality,~~

- 25 ~~[(xix) frozen raw and uncut fruit or~~
- 26 ~~vegetables, or~~

- 27 ~~[(xx) any other food that is not a time and~~

1 ~~temperature control for safety food, as defined by Section~~
2 ~~437.0196~~];

3 (B) has an annual gross income of \$100,000
4 [~~\$50,000~~] or less, indexed for inflation as of 2026, from the sale
5 of food described by Paragraph (A);

6 (C) sells the foods produced under Paragraph (A)
7 ~~[only]~~ directly to consumers or to a cottage food vendor; and

8 (D) delivers products to the consumer or cottage
9 food vendor at the point of sale or another location designated by
10 the consumer or cottage food vendor.

11 (3) "Cottage food vendor" means a person who:

12 (A) has a contractual relationship with a cottage
13 food production operation; and

14 (B) sells non-Time or Temperature Controlled for
15 Safety foods on behalf of the cottage food production operation
16 directly to consumers.

17 (5-a) "Nonprofit organization" means an organization
18 exempt from federal income tax under Section 501(a), Internal
19 Revenue Code of 1986, as an organization described by Section
20 501(c)(3) of that code.

21 SECTION 3. Section 437.0192, Health and Safety Code, is
22 amended by amending Subsection (a) and adding Subsection (c) to
23 read as follows:

24 (a) A local government authority, including a local health
25 department, may not:

26 (1) regulate the production of food at a cottage food
27 production operation; or

1 (2) require a cottage food production operation to
2 obtain any type of license or permit or pay any fee to produce,
3 sell, or provide samples of food described by Section
4 437.001(2-b)(A) directly to a consumer or cottage food vendor.

5 (c) A local government authority, including a local health
6 department, may not employ or continue to employ a person who
7 knowingly requires or attempts to require a cottage food production
8 operation to obtain a license or permit in violation of Subsection
9 (a)(2).

10 SECTION 4. Section 437.0193, Health and Safety Code, is
11 amended by amending Subsections (b) and (d), and adding Subsections
12 (b-1) and (e) to read as follows:

13 (b) The executive commissioner shall adopt rules requiring
14 a cottage food production operation to label all of the foods
15 described in Section 437.001(2-b)(A) that the operation sells to
16 consumers. The label must include:

17 (1) the name and address of the cottage food
18 production operation; and

19 (2) the following disclosure:

20 "THIS PRODUCT WAS PRODUCED IN A PRIVATE RESIDENCE THAT IS NOT
21 SUBJECT TO GOVERNMENTAL LICENSING OR INSPECTION." [~~a statement~~
22 ~~that the food is not inspected by the department or a local health~~
23 ~~department.~~]

24 (b-1) Notwithstanding Subsection (b)(1), a cottage food
25 production operation is not required to include on a food label the
26 address of the operation if the operation registers with the
27 department in the form and manner the department prescribes. The

1 executive commissioner may adopt rules to implement this
2 subsection.

3 (d) A cottage food production operation that sells
4 time-and-temperature-control-for-safety food must include on the
5 label or on an invoice or receipt provided with the food when sold
6 the following statement in at least 12-point font: "SAFE HANDLING
7 INSTRUCTIONS: To prevent illness from bacteria, keep this food
8 refrigerated or frozen until the food is prepared for consumption."

9 [~~A cottage food production operation that sells frozen raw~~
10 ~~and uncut fruit or vegetables must include on the label of the~~
11 ~~frozen fruit or vegetables or on an invoice or receipt provided with~~
12 ~~the frozen fruit or vegetables when sold the following statement in~~
13 ~~at least 12-point font: "SAFE HANDLING INSTRUCTIONS: To prevent~~
14 ~~illness from bacteria, keep this food frozen until preparing for~~
15 ~~consumption."~~]

16 SECTION 5. Section [437.0194](#), Health and Safety Code, is
17 amended by amending Subsections (a) and (b) and adding Subsection
18 (a-1) to read as follows:

19 (a) Except as provided by Subsection (a-1), a [A] cottage
20 food production operation may not sell any of the foods described in
21 Section [437.001\(2-b\)\(A\)](#) at wholesale.

22 (a-1) A cottage food production operation may sell non-time
23 or temperature controlled for safety foods to a cottage food vendor
24 at wholesale.

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 or
3 operator's employee or household member personally delivers the
4 food to the consumer; and

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

9 [~~(A)~~] posting a legible statement on the operation's
10 Internet website[+]

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

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

14 SECTION 6. Chapter 437, Health and Safety Code, is amended
15 by amending Sec. 437.01952 as follows:

16 437.01952 [~~REQUIREMENTS FOR SALE OF FROZEN FRUIT OR~~
17 ~~VEGETABLES. A cottage food production operation that sells to~~
18 ~~consumers frozen raw and uncut fruit or vegetables shall:~~

19 [~~(1) store and deliver the frozen fruit or vegetables~~
20 ~~at an air temperature of not more than 32 degrees Fahrenheit; and~~

21 [~~(2) label the fruit or vegetables in accordance with~~
22 ~~Section 437.0193(d).~~] SAMPLING AND DONATING: (a) A cottage food
23 production operation may provide samples of its products to
24 consumers at any location in the state in accordance with the
25 standards set out in Section 437.020(c).

26 (b) A cottage food production operation may donate non-time
27 or temperature controlled for safety food for sale or service at a

1 function such as a religious or charitable organization's bake sale
2 to the same extent an individual is allowed by law.

3 SECTION 7. Chapter 437, Health and Safety Code, is amended
4 by adding Section 437.01953 to read as follows:

5 Sec. 437.01953. REQUIREMENTS FOR SALE OF CERTAIN FOODS. A
6 cottage food production operation that sells to consumers time and
7 temperature control for safety foods shall:

8 (1) register with the department;

9 (2) store and deliver the food at the air temperature
10 necessary to prevent the growth of bacteria that may cause human
11 illness;

12 (3) label the food in accordance with Section
13 437.0193(e); and

14 (4) label the food with a "made on" date.

15 SECTION 8. Section 437.0196(a), Health and Safety Code, is
16 amended to read as follows:

17 TIME AND TEMPERATURE CONTROL FOR SAFETY FOOD[~~, PROHIBITION~~
18 ~~FOR COTTAGE FOOD PRODUCTION OPERATIONS, EXCEPTION.] (a) In this~~

19 section, "time and temperature control for safety food" means a
20 food that requires time and temperature control for safety to limit
21 pathogen growth or toxin production. The term includes a food that
22 must be held under proper temperature controls, such as
23 refrigeration, to prevent the growth of bacteria that may cause
24 human illness. A time and temperature control for safety food may
25 include a food that contains protein and moisture and is neutral or
26 slightly acidic, such as meat, poultry, fish, and shellfish
27 products, pasteurized and unpasteurized milk and dairy products,

1 raw seed sprouts, baked goods that require refrigeration, including
2 cream or custard pies or cakes, and ice products. The term does not
3 include a food that uses time and temperature control for safety
4 food as ingredients if the final food product does not require time
5 or temperature control for safety to limit pathogen growth or toxin
6 production.

7 ~~[(b) Except as otherwise provided by this chapter, a cottage~~
8 ~~food production operation may not sell to consumers time and~~
9 ~~temperature control for safety foods.]~~

10 SECTION 9. Chapter 437, Health and Safety Code, is amended
11 by adding Section 437.01965 to read as follows:

12 Sec. 437.01965. COTTAGE FOOD VENDOR. (a) A cottage food
13 vendor may sell food described by Section 437.001(2-b)(A) that is
14 non-time or temperature controlled for safety directly to consumers
15 at a farmers' market, farm stand, food service establishment, or
16 any retail store.

17 (b) A cottage food vendor who sells food described by
18 Section 437.001(2-b)(A) must display in a prominent place near the
19 location where the food is offered for sale a sign with the
20 following disclosure:

21 "THIS PRODUCT WAS PRODUCED IN A PRIVATE RESIDENCE THAT IS NOT
22 SUBJECT TO GOVERNMENTAL LICENSING OR INSPECTION."

23 (c) Food produced by a cottage food operator and sold by a
24 cottage food vendor shall include a "made on" date on the label.

25 (d) A cottage food vendor that purchases food from a cottage
26 food production operation at wholesale shall register with the
27 department in the form and manner the department prescribes. The

1 executive commissioner may adopt rules to implement this
2 subsection.

3 SECTION 10. This Act takes effect September 1, 2025.