



Farm and Ranch Freedom Alliance
P.O. Box 809
Cameron, TX 76520



Homemade Texas
2655 Ranch Road 1869
Box 408
Liberty Hill, TX 78642-9998

September 17, 2025

Bexar County
Environmental Services Department
1948 Probandt Street
San Antonio, Texas 78214
By email: Healthpermits@bexar.org

To Whom It May Concern:

Our nonprofits work with cottage food producers across the state, and we were deeply involved in the passage of the bills in 2011 and since that established the Texas Cottage Food Law. We are writing today to ensure that the Bexar County Environmental Services Department is properly enforcing SB 541, which passed in the 89th regular legislative session and became law on September 1, 2025.

Under earlier versions of the Texas cottage food law, cottage food items could only be sold directly to consumers. SB 541 changed that, with the addition of wholesale sales through a registered "Cottage Food Vendor. The rules for both the cottage food operator and the cottage food vendor for these third-party sales are easy for both to follow:

- Cottage food vendors (the party reselling the food) must register with DSHS.
- The cottage food operator and the cottage food vendor must have a contractual relationship.
- Cottage food vendors must sell food directly to the consumer at a farmer's market, farm stand, food service establishment, or any retail store.
- The cottage food vendor must display in a prominent place near the location where the food is offered for sale a sign with the following disclosure "THIS PRODUCT WAS PRODUCED IN A PRIVATE RESIDENCE THAT IS NOT SUBJECT TO GOVERNMENTAL LICENSING OR INSPECTION."
- Only non-Time and Temperature Control for Safety (NTCS) foods may be sold through a cottage food vendor.

- Any food sold by a cottage food vendor must include on the label the date the food was made.

We are writing because a cottage food producer attempting to sell her food at “Herd on the Street” in Somerset, Texas, has reported that a Bexar County health inspector required her to remove her products from the store because her labels did not include her DSHS registration number. If true, this is inconsistent with the language of SB 541 addressing both labeling and selling food through a cottage food vendor:

1. It is the cottage food vendor who must register with DSHS to resell cottage foods. The cottage food operator is not required to register to sell foods to a cottage food vendor.
2. Cottage food operators may now choose to register with DSHS if they wish to use a DSHS identification number on their labels instead of their home address. However, this is completely optional. The labels in this case included her address, so no DSHS identification number was required.
3. The only difference between labeling cottage foods for sale directly to consumers and cottages foods for sale through a vendor is the required “Made on” date.

SB 541 has changed many aspects of the cottage food law, and the implementation is very recent, so mistakes are understandable. However, it is vitally important that local health departments understand and enforce the law as written. Failure to do so violates the rights of cottage food producers and vendors and may expose the department to legal action if not corrected.

We look forward to your response.

Sincerely,

Judith McGeary, Esq.
Executive Director
Farm and Ranch Freedom Alliance

Kelley Masters
President
Homemade Texas

Cc: Texas State Senator Roland Gutierrez
Texas State Representative John Lujan
Bexar County Judge Peter Sakai
Bexar County Precinct 1 Commissioner Rebecca Clay-Flores
Bexar County Precinct 2 Commissioner Justin Rodriguez
Bexar County Precinct 3 Commissioner Grant Moody
Bexar County Precinct 4 Commissioner Tommy Calvert