



Homemade Texas
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October 29, 2025

Kathy Perez
Public Health Director
Pasadena Health Department
1149 Ellsworth Drive
City Hall
Pasadena, Texas 77506
By email: KPerez@pasadenatx.gov

Dear Ms. Perez:

I am writing on behalf of Homemade Texas, an organization that represents and supports cottage food producers statewide through training, advocacy, and community outreach, following up on my October 21, 2025, letter to you regarding sampling by cottage food producers at events.

As I discussed in my previous letter, on October 19, 2025, at the “Bayside Bazaar” in Seabrook, a Pasadena inspector stopped cottage food vendor Sara McConathy (“Sara’s Spicy Pretzels”) from offering samples of her products, despite the fact that her samples were individually packaged in enclosed containers. When Ms. McConathy referenced SB 541, she was reportedly told that sampling was a “gray area” and only allowed at “farms or farmers markets.” That representation was incorrect then, and it is incorrect now.

State law is not ambiguous. SB 541 expressly permits sampling by cottage food producers when conducted under the same common sense public health rules that apply to farmers’ market vendors, as outlined in Texas Health & Safety Code §437.020(c).

Despite this clarity, a second incident occurred this past weekend. On October 25, 2025, at the “Mistletoe Market” in Pasadena, a Pasadena inspector again ordered a cottage food producer, Mery Ford, owner of “Rum Cakes”, to stop sampling, this time on entirely different grounds: that her samples were “not in enclosed containers.” Ms. Ford reports that approximately ten (10) cottage food vendors were also ordered to stop sampling at the event. Once again, inspectors prevented vendors from engaging in conduct that is expressly legal under state law, causing immediate and predictable financial harm. For many cottage food businesses, sampling is the primary driver of sales at public events, and both Ms. Ford and Ms. McConathy experienced reduced revenue as a direct result of these unlawful directives.

Even more concerning, yet another cottage food producer selling at events in Pasadena contacted me today telling me that during a conversation with one of your department's employees, he told her that her packaged samples must be labeled per cottage food labeling requirements.

The inconsistency alone is alarming; three producers, three different justifications, none of which supported by statute. This is not a misunderstanding; it is now a demonstrable enforcement pattern that contradicts SB 541 and exceeds local authority.

To be completely clear: sampling by cottage food producers is legal in Texas when the six statutory requirements in §437.020(c) are followed. SB 541 eliminated any "gray area." Local health departments do not have discretion to prohibit lawful sampling, nor to invent additional requirements beyond those in state law; and they certainly may not impose labeling requirements for samples where none are present. The six rules are:

- (1) samples must be distributed in a sanitary manner;*
- (2) a person preparing produce samples on-site must:*
 - (A) wear clean, disposable plastic gloves when preparing samples; or*
 - (B) observe proper hand washing techniques immediately before preparing samples;*
- (3) produce intended for sampling must be washed in potable water to remove any soil or other visible material;*
- (4) potable water must be available for washing;*
- (5) except as provided by Section 437.0202(b), potentially hazardous food, as determined by rule of the department, must be maintained at or below 41 degrees Fahrenheit or disposed of within two hours after cutting or preparing; and*
- (6) utensils and cutting surfaces used for cutting samples must be smooth, nonabsorbent, and easily cleaned or disposed of.*

At this point, a correction is not merely advisable; it is necessary. Therefore, I am requesting:

1. Immediate written clarification that Pasadena inspectors will permit sampling by cottage food producers in accordance with SB 541 and §437.020(c);
2. Confirmation that inspectors will cease prohibiting sampling based on requirements not found in Texas law; and
3. Prompt retraining of inspection staff to prevent further misapplication of the law.

Continued misinterpretation of Texas statute exposes the department to potential legal issues, while inflicting financial harm on law-abiding businesses that the Texas cottage food law was expressly designed to protect.

Homemade Texas is fully willing to provide copies of the statutory language, guidance materials, or a brief training session to your staff, should that be helpful. We support cooperative relationships between regulators and small businesses; but that cooperation depends on lawful, consistent enforcement.

I look forward to your written response and to seeing this issue resolved immediately. Thank you for your prompt attention to this matter.

Sincerely,

/s/ Kelley Masters

Kelley Masters
President and Founder
Homemade Texas
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Cc: Sara McConathy, Sara's Spicy Pretzels
Mery Ford, Rum Cakes
Texas State Senator Mayes Middleton
Texas State Senator Lois Kolkhorst
Texas State Representative Dennis Paul
Texas State Representative Lacey Hull
Harris County Judge Lina Hidalgo
Harris County Precinct 1 Commissioner Rodney Ellis
Harris County Precinct 2 Commissioner Adrian Garcia
Harris County Precinct 3 Commissioner Tom S. Ramsey
Harris County Precinct 4 Commissioner Lesley Briones