



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

October 21, 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 supports cottage food producers across the state through training, advocacy, and community outreach. I have been closely involved in the development and passage of the Texas Cottage Food Law since its inception in 2011 and continue to advocate for its fair implementation statewide.

SB 541, passed during the 89th Regular Legislative Session and effective as of September 1, 2025, provides important clarifications and new opportunities for cottage food producers. One of the clearest updates concerns product sampling. Texas Health & Safety Code § 437.01955(a) states “A cottage food production operation may provide samples of its products to consumers at any location in this state” [emphasis added] when conducted under the same common-sense requirements that already applied to farmers’ market vendors, as outlined in Texas Health & Safety Code § 437.020(c).

At the “Bayside Bazaar” event held on Saturday, October 18, 2025, at 5001 E. NASA Parkway, Seabrook, Texas 77586, a cottage food vendor, Ms. Sara McConathy of “Sara’s Spicy Pretzels,” was instructed by a health inspector from your department that she could not provide samples; even though her pretzel samples were individually packaged in lidded plastic cups. When Ms. McConathy pushed back against this directive and referenced the new sampling rules in SB 541, she was reportedly informed that sampling was a “gray area” and only allowed at “farms or farmers markets.” Out of caution, she complied and ceased sampling, which negatively impacted her sales.

If these facts are accurate, the guidance given to Ms. McConathy was inconsistent with current Texas law. Prior to September 1, 2025, sampling by cottage food producers at events outside farmers markets was not prohibited; it was simply not addressed. SB 541 has now removed any ambiguity. Sampling is explicitly permitted *at any location in this state* when the statutory requirements are followed, and Ms. McConathy's practices appear to have complied with both the letter and intent of the law.

It is essential that local health officials enforce the Texas Cottage Food Law as written, to ensure consistency, fairness, and proper public understanding. When producers are prevented from engaging in lawful activity, especially during key sales events, the harm to these small businesses can be significant.

If there is any uncertainty within your department regarding the sampling provisions under SB 541, I would welcome the opportunity to provide clarification, materials, or training. Homemade Texas works closely with regulators across the state, and we value cooperative relationships that protect public health while also supporting lawful entrepreneurship.

Thank you for your time and attention to this matter. I am happy to discuss further at your convenience.

Warm regards,

/s/ Kelley Masters

Kelley Masters
President and Founder
Homemade Texas
(737) 312-8444

Cc: Sara McConathy, Sara's Spicy Pretzels
Texas State Senator Mayes Middleton
Texas State Representative Dennis Paul
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