



Homemade Texas
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April 7, 2026

Miguel Aguirre, Mayor
City of Brackettville
P.O. Box 526
Brackettville, Texas 78832-0526

By email: maguirre@brackettvilletx.gov

Dear Mr. Aguirre:

I am writing on behalf of Homemade Texas, a nonprofit 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 consistent and lawful implementation statewide.

Prior to 2011, Texas law did not provide a legal pathway for small, home-based food businesses to operate. The enactment of the Texas Cottage Food Law created that pathway by allowing individuals to produce and sell certain foods from their home kitchens, provided they comply with the statute's requirements. From the outset, the law has included strong protections for cottage food producers, prohibiting local governments from imposing permits or fees to produce cottage foods. Senate Bill 541, enacted during the 89th Regular Legislative Session and effective September 1, 2025, further strengthened these protections by clarifying that cottage food producers may not be subjected to local permitting requirements or additional regulatory burdens to produce, sell, or sample cottage foods.

Under Texas Health and Safety Code § 437.0192, a **local government authority**, including a local health department, may not:

1. Regulate the production of food at a cottage food production operation; or
2. Require a cottage food production operation to obtain any type of license or permit or pay any fee to produce food, sell directly to consumers or cottage food vendors, or provide samples directly to consumers.

The statute further provides that a local government authority *may not employ or continue to employ* any person who knowingly requires or attempts to require a cottage food operation to obtain a license or permit in violation of § 437.0192(a)(2).

The legislative intent is clear: cottage food producers - single-owner, home-based businesses - must be allowed to operate free from local permitting and regulatory interference, except in cases involving an immediate and serious threat to public health or safety (Texas Health and Safety Code § 437.0191).

It has come to my attention that there may be a misunderstanding within the City of Brackettville regarding the applicability of local permitting requirements to cottage food businesses. Specifically, I have reviewed documentation indicating that a cottage food operator was required to obtain an “Occupational or License Tax” certificate in order to sell cottage foods. It further appears that this requirement may have been imposed based on the perception that the operator “sells more and is considered a business.”

To be clear, all cottage food operations are businesses under Texas law. The statute does not create tiers based on how much a person sells or how “serious” the business appears. Any operation that remains under the annual gross sales cap of \$150,000 (adjusted for inflation beginning in 2026) is treated the same under the law. Local governments are expressly prohibited from requiring permits or fees for these activities.

Accordingly, the City of Brackettville must bring its practices into compliance with state law.

Homemade Texas is committed to working collaboratively with local officials to ensure proper understanding and implementation of the law. I would be happy to provide additional guidance or training to your staff. We value cooperative relationships that both protect public health and respect the limits the Texas Legislature has placed on local regulatory authority.

Please provide written confirmation that the City has discontinued the practice of requiring occupational permits or fees from cottage food operators.

Thank you for your prompt attention to this matter. I am available at your convenience should you wish to discuss further.

Warm regards,

/s/ Kelley Masters

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

Cc: Brigitte Villa, City Administrator
Ruben Omar Valadez, City Attorney
Michael Ford, City Secretary
Refugio Martinez, City Council Member Place 1
Steven Lowrance, Mayor Pro Tem Place 2
Antonio Zamora, City Council Member Place 3

Francisca Hernandez, City County Member Place 4
Isauro Rivas, City Council Member Place 5
John Paul Schuster, Kinney County Judge
Mark Frerich, Kinney County Precinct 1 Commissioner
Joe Montalvo, Kinney County Precinct 2 Commissioner
Dennis Dodson, Kinney County Precinct 3 Commissioner
Tim Ward, Kinney County Precinct 4 Commissioner
Roland Gutierrez, Texas State Senator District 19
Eddie Morales, Texas House Representative District 74