

REQUEST FOR OFFICIAL DETERMINATION (RFOD)

September 3, 2025

The only person bound by this determination is Kelley Masters. This is not a rule and it is not guidance. It is a determination for Kelley Masters.

From: Kelley Masters
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Subject: Unmanned Porch Pickups

RFOD QUESTION:

"Are unmanned porch pickups for cottage foods (sales) allowed either on property or farm stand property"?

RESPONSE:

Thank you for your question.

Below is a resource for Cottage Food Operations:

- [Health And Safety Code Chapter 437. Regulation Of Food Service Establishments, Retail Food Stores, Mobile Food Units, And Roadside Food Vendors](#)

The concern for determination is the suitability of *cottage foods being sold in an unmanned porch pickup* as a cottage food and will be sold and delivered directly to consumers at the point of sale or another location designated by the consumer.

A cottage food operation is defined as an individual operating out of the individual's home who produces at an individual's home and sells the foods produced directly to consumers or to a cottage food vendor and delivers products to the consumer or cottage food vendor at the point of sale or another location designated by the consumer or cottage food vendor.

Foods sold by a cottage food production operation (CFPO) must be packaged and labeled (with the exception of large or bulky items), and delivered to the consumer at the point of sale. While a pre-paid CFPO may be left on a porch awaiting pick-up by arrangement with the customer, the CFPO may not set out unpurchased foods in an unattended market setting for self-service for

the purpose of an honor system-type of sale. Foods must be delivered by the CFPO upon receiving an order.

In conclusion: Based on the information provided, porch pickups for cottage foods would not be considered an approved method of delivery according to TAC 229.661. All products under cottage food law would need to be prepared, labeled, sold, and delivered directly to consumers according to HSC 437 and TAC 229.661.