

## COTTAGE FOOD LAW REPORT

# Clay County

Texas · Henrietta · FIPS 48077 · Population 10,730 · Crosodo Index #1018\*

## STATE BASELINE

Tex. Health & Safety §437.001 et seq.

## STATE TIER

Great

## ANNUAL SALES CAP (STATE)

150000

## CONFIDENCE

MEDIUM

## LAST VERIFIED

2026-05-06

**IMPORTANT — NOT LEGAL ADVICE**

This report compiles publicly-available statutes, regulations, and county zoning rules into a research reference. It is **not legal advice** and is provided **without warranty** as to accuracy, completeness, or current applicability.

Cottage food law changes frequently. Counties may amend zoning, health departments may issue new permits, and state legislatures may update statutes after the publication date shown above.

**Always verify rules directly with your state department of health/agriculture and your county health and planning offices before relying on them for any business or regulatory decision.** Consult a licensed attorney for advice specific to your situation.

TEXAS: CLAY COUNTY

CROSODO INDEX #1018\* · FIPS 48077 · Henrietta

# Clay County

Population 10,730 · State baseline: Tex. Health & Safety §437.001 et seq. · **MEDIUM**

## QUICK VIEW FOR BAKERS IN THIS COUNTY

**HOME KITCHEN ALLOWED?**

Yes (Texas cottage food law (SB 541, 2025) is highly permissive. No registration required for most operators (registration optional for address privacy or for TCS food sellers). \$150,000 annual gross income cap. Almost all non-TCS foods allowed, plus TCS foods under proper temperature control. No local health department inspection authority over cottage food.)

**SEPARATE KITCHEN REQUIRED?**

No

**PETS ALLOWED?**

No specific pet restriction in state cottage food law.

**HOME OCCUPATION PERMIT?**

Varies (Clay County is largely unincorporated; counties in Texas have very limited zoning authority. No county-level home occupation ordinance found. Operators within incorporated cities (e.g., Henrietta) may be subject to city home occupation rules. Unincorporated areas face minimal local restrictions.)

**ON-SITE / PORCH PICKUP?**

Yes

**INSPECTION REQUIRED?**

No (DSHS or local health authority may only act to prevent an immediate and serious threat to human life or health.)

## Home kitchen rules

<b>HOME KITCHEN ALLOWED</b>	Yes — Texas cottage food law (SB 541, 2025) is highly permissive. No registration required for most operators (registration optional for address privacy or for TCS food sellers). \$150,000 annual gross income cap. Almost all non-TCS foods allowed, plus TCS foods under proper temperature control. No local health department inspection authority over cottage food.
<b>SEPARATE DEDICATED KITCHEN</b>	No
<b>PET RESTRICTIONS</b>	No specific pet restriction in state cottage food law.
<b>WATER SUPPLY</b>	No specific state cottage food water supply requirement.
<b>HANDWASHING</b>	No specific state cottage food handwashing mandate.
<b>FOOD STORAGE</b>	Non-TCS foods or TCS foods held at proper temperatures required. No refrigeration mandate for shelf-stable products.

## Inspection & permitting

<b>INSPECTION REQUIRED</b>	No — DSHS or local health authority may only act to prevent an immediate and serious threat to human life or health.
<b>HOME OCCUPATION PERMIT</b>	Varies — Clay County is largely unincorporated; counties in Texas have very limited zoning authority. No county-level home occupation ordinance found. Operators within incorporated cities (e.g., Henrietta) may be subject to city home occupation rules. Unincorporated areas face minimal local restrictions.
<b>LOCAL BUSINESS LICENSE</b>	Varies

### Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Yes
DELIVERY / PICKUP RULES	All channels permitted including direct to consumer, indirect sales, farmers markets, online, delivery, and through a registered cottage food vendor intermediary (SB 541, 2025). Wholesale of non-TCS foods to retail locations now allowed. No wholesale of TCS foods.
MAX EMPLOYEES IN HOME	Not specified in state statute.

### Relevant county code

Clay County has no specific cottage food county code; state preemption limits local health authority.

#### RESEARCH NOTES

No county-specific cottage food ordinance found for Clay County. Texas cottage food law (Tex. Health & Safety §437.001 et seq., as amended by SB 541 effective Sept 1, 2025) applies statewide. North Texas rural county near Oklahoma border. Henrietta is a small town. No county zoning code; state law governs unincorporated areas. Prohibited items include meat, poultry, seafood, ice/ice cream products, CBD/THC foods, and raw milk.

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#### SOURCES VERIFIED AT RESEARCH TIME

<https://www.dshs.texas.gov/food-establishments/cottage-food-production-operations>  
<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.437.htm>

**Questions?** Join the Crosodo Forum to discuss your county’s specific zoning rules at <https://crosodo.com/nb/texas/clay-county-discuss>

## State context — Texas cottage food law

Clay County’s rules sit on top of Texas’s state cottage food framework. The state law sets the floor — counties can add but cannot remove protections.

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<b>STATUTE</b> Tex. Health & Safety §437.001 et seq.	<b>ANNUAL SALES CAP</b> 150000
<b>REGISTRATION REQUIRED</b> No	<b>FOOD HANDLER CERT</b> No
<b>KITCHEN INSPECTION</b> No	<b>DIRECT SALES ONLY</b> No

**INDIRECT SALES**  
 Limited (see notes) — Sales must be made directly to consumers or to a 'cottage food vendor' (a new category created by SB 541 in 2025 – a person with a contractual relationship who sells on behalf of the cottage food operation to consumers in-state). Cottage food products may not be sold as ingredients to a food service establishment. No retail grocery store or wholesale sales permitted under the pre-2025 framework; SB 541 (2025) adds the cottage food vendor intermediary option. Products must be delivered to consumer or vendor at point of sale or consumer-designated location.

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For the full state-level analysis including the verbatim statute text, see the [Texas cottage food law report](#).

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### STATE-LEVEL REFERENCES

- State statute: <https://statutes.capitol.texas.gov/Docs/HS/htm/HS.437.htm>
  - State dept cottage food page: <https://www.dshs.texas.gov/food-establishments/cottage-food-production-operations>
  - Forrager.com: <https://forrager.com/law/texas/>
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## Questions?

Join the Crosodo Forum to discuss Clay County's specific zoning rules, permits, and what other home bakers are seeing locally.

<https://crosodo.com/nb/texas/clay-county-discuss>

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