

COTTAGE FOOD LAW REPORT

El Paso County

Texas · El Paso · FIPS 48141 · Population 863,832 · Crosodo Index #467*

STATE BASELINE

Tex. Health & Safety §437.001 et seq. (SB 541, 2025; cap \$150,000)

STATE TIER

Great

ANNUAL SALES CAP (STATE)

150000

CONFIDENCE

MEDIUM

LAST VERIFIED

2026-05-05

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: EL PASO COUNTY

CROSODO INDEX #467* · FIPS 48141 · El Paso

El Paso County

Population 863,832 · State baseline: Tex. Health & Safety §437.001 et seq. (SB 541, 2025; cap \$150,000) · **MEDIUM**

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (Texas strong state preemption applies. No local permit, inspection, or fee for cottage food production. Must be in private home kitchen. Food handler certification required.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

Not specified; standard sanitation applies

HOME OCCUPATION PERMIT?

Conditional (No municipal zoning can prevent cottage food operations. City of El Paso may have home occupation permit requirements for business activities separate from food safety regulation. Contact City of El Paso Development Services Department for home occupation requirements. County rules apply only in unincorporated areas.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (No local health department inspection authority. DSHS/local health authority may only act to prevent immediate and serious threat to human life.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Texas strong state preemption applies. No local permit, inspection, or fee for cottage food production. Must be in private home kitchen. Food handler certification required.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	Not specified; standard sanitation applies
WATER SUPPLY	Potable water required
HANDWASHING	Food handler certification required from accredited program
FOOD STORAGE	Standard food storage practices

Inspection & permitting

INSPECTION REQUIRED	No — No local health department inspection authority. DSHS/local health authority may only act to prevent immediate and serious threat to human life.
HOME OCCUPATION PERMIT	Conditional — No municipal zoning can prevent cottage food operations. City of El Paso may have home occupation permit requirements for business activities separate from food safety regulation. Contact City of El Paso Development Services Department for home occupation requirements. County rules apply only in unincorporated areas.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct-to-consumer including online with personal delivery within Texas. SB 541 (2025): wholesale to registered cottage food vendors permitted for non-TCS foods. No mail/carrier shipping. \$150,000 annual cap.
MAX EMPLOYEES IN HOME	Unknown

Relevant county code

Tex. Health & Safety §437.001 et seq.; City of El Paso zoning code for home occupations

RESEARCH NOTES

El Paso County follows Texas state baseline. The City of El Paso contains the vast majority of the county population. Texas strong preemption prevents local health department regulation of cottage food. No El Paso County-specific cottage food ordinance found beyond state law.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.epcounty.com>

<https://www.dshs.texas.gov/food-establishments/cottage-food-production-operations>

<https://texascottagefoodlaw.com/basics/>

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

State context — Texas cottage food law

El Paso 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.

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

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

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 El Paso County's specific zoning rules, permits, and what other home bakers are seeing locally.

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