

## COTTAGE FOOD LAW REPORT

# Gillespie County

Texas · Fredericksburg · FIPS 48171 · Population 27,623 ·  
Crosodo Index #921\*

## 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: GILLESPIE COUNTY

CROSODO INDEX #921\* · FIPS 48171 · Fredericksburg

# Gillespie County

Population 27,623 · State baseline: Tex. Health & Safety §437.001 et seq. · **MEDIUM**

## QUICK VIEW FOR BAKERS IN THIS COUNTY

**HOME KITCHEN ALLOWED?**

Yes (Texas allows cottage food from residential home kitchens. Annual gross income cap of \$150,000 (SB 541, 2025). No registration, permit, or inspection required for non-TCS foods. TCS food sellers must register with DSHS. Health departments cannot regulate cottage food operations. Strong state preemption — local governments cannot add licensing or inspection requirements.)

**SEPARATE KITCHEN REQUIRED?**

No

**PETS ALLOWED?**

No specific state restriction on pets in home for cottage food operations.

**HOME OCCUPATION PERMIT?**

Varies (Gillespie County has a planning department and the City of Fredericksburg has active zoning. Unincorporated county areas may have subdivision deed restrictions but the county does not have comprehensive zoning. Texas cottage food law preempts local health regulation and prohibits municipalities from banning cottage food on zoning grounds. City of Fredericksburg home occupation rules may apply within city limits but cannot override state cottage food production rights.)

**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 allows cottage food from residential home kitchens. Annual gross income cap of \$150,000 (SB 541, 2025). No registration, permit, or inspection required for non-TCS foods. TCS food sellers must register with DSHS. Health departments cannot regulate cottage food operations. Strong state preemption — local governments cannot add licensing or inspection requirements.
<b>SEPARATE DEDICATED KITCHEN</b>	No
<b>PET RESTRICTIONS</b>	No specific state restriction on pets in home for cottage food operations.
<b>WATER SUPPLY</b>	No specific requirement under Texas cottage food law.
<b>HANDWASHING</b>	Good manufacturing practices apply; adequate handwashing expected.
<b>FOOD STORAGE</b>	Non-TCS products must be shelf-stable. TCS foods allowed under SB 541 with registration. Proper storage to prevent contamination required.

## 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 — Gillespie County has a planning department and the City of Fredericksburg has active zoning. Unincorporated county areas may have subdivision deed restrictions but the county does not have comprehensive zoning. Texas cottage food law preempts local health regulation and prohibits municipalities from banning cottage food on zoning grounds. City of Fredericksburg home occupation rules may apply within city limits but cannot override state cottage food production rights.
<b>LOCAL BUSINESS LICENSE</b>	Varies

### Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Sales allowed direct-to-consumer, at farmers markets, online (statewide), fairs, roadside stands, and through nonprofit organizations (SB 541, 2025). Non-TCS cottage foods may also be sold wholesale to registered cottage food vendors. Fredericksburg Farmers Market is a notable outlet.
MAX EMPLOYEES IN HOME	Not restricted by state cottage food law; local ordinance may apply within Fredericksburg city limits.

### Relevant county code

Tex. Health & Safety Code §437.001 et seq. (SB 541, 2025); City of Fredericksburg zoning code for in-city operations

#### RESEARCH NOTES

Growing Hill Country county anchored by Fredericksburg tourism economy, pop. ~27,623. Texas state preemption applies county-wide for cottage food health regulation. City of Fredericksburg zoning may have home occupation rules that affect signage and customer traffic but cannot prohibit cottage food production. No specific Gillespie County cottage food ordinance identified beyond state baseline. County website URL not verified.

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#### SOURCES VERIFIED AT RESEARCH TIME

<https://www.gillespiecounty.org>

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

<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/gillespie-county-discuss>

## State context — Texas cottage food law

Gillespie 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>	<b>ANNUAL SALES CAP</b>
Tex. Health & Safety §437.001 et seq.	150000
<b>REGISTRATION REQUIRED</b>	<b>FOOD HANDLER CERT</b>
No	No
<b>KITCHEN INSPECTION</b>	<b>DIRECT SALES ONLY</b>
No	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 Gillespie County's specific zoning rules, permits, and what other home bakers are seeing locally.

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

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