

COTTAGE FOOD LAW REPORT

Hays County

Texas · San Marcos · FIPS 48209 · Population 245,351 ·
Crosodo Index #443*

STATE BASELINE

Tex. Health & Safety §437.001 et seq.

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: HAYS COUNTY

CROSODO INDEX #443* · FIPS 48209 · San Marcos

Hays County

Population 245,351 · State baseline: Tex. Health & Safety §437.001 et seq. · **MEDIUM**

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (No license, registration, or inspection required from health department. \$150,000 annual gross sales cap (SB 541, 2025). Almost all non-TCS foods allowed. Label must state 'made in a home kitchen'. Hays County and San Marcos may require home occupation permit.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

Not specified in state statute

HOME OCCUPATION PERMIT?

Conditional (Hays County and City of San Marcos may require home occupation permit or business license. Check with Hays County Development Services or San Marcos Planning Department.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (Health department may only act to prevent immediate/serious threat to human life)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — No license, registration, or inspection required from health department. \$150,000 annual gross sales cap (SB 541, 2025). Almost all non-TCS foods allowed. Label must state 'made in a home kitchen'. Hays County and San Marcos may require home occupation permit.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	Not specified in state statute
WATER SUPPLY	Potable water; no formal testing requirement for cottage food
HANDWASHING	No formal certification required by state
FOOD STORAGE	Non-TCS shelf-stable foods; prohibited: meat, poultry, seafood, ice products, low-acid canned goods

Inspection & permitting

INSPECTION REQUIRED	No — Health department may only act to prevent immediate/serious threat to human life
HOME OCCUPATION PERMIT	Conditional — Hays County and City of San Marcos may require home occupation permit or business license. Check with Hays County Development Services or San Marcos Planning Department.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct and limited indirect sales; farmers markets, online, home delivery, third-party delivery platforms allowed.
MAX EMPLOYEES IN HOME	Not specified in state statute

Relevant county code

Tex. Health & Safety Code §437.001 et seq.; Hays County zoning

RESEARCH NOTES

Hays County TX follows the Texas state baseline. \$150,000 cap from SB 541 (2025). Fast-growing county in Austin metro area. No county-specific cottage food ordinance found. Confidence medium – Texas state law confirmed but no specific Hays County .gov cottage food source retrieved.

SOURCES VERIFIED AT RESEARCH TIME

<https://hayscountytexas.com>

<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/hays-county-discuss>

State context — Texas cottage food law

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

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

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