

## COTTAGE FOOD LAW REPORT

# Montgomery County

Texas · Conroe · FIPS 48339 · Population 629,989 · Crosodo  
Index #442\*

## 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: MONTGOMERY COUNTY

CROSODO INDEX #442\* · FIPS 48339 · Conroe

# Montgomery County

Population 629,989 · State baseline: Tex. Health & Safety §437.001 et seq. · **MEDIUM**

### QUICK VIEW FOR BAKERS IN THIS COUNTY

**HOME KITCHEN ALLOWED?**

Yes (No TCS foods without registration (as of SB 541, 2025). Non-TCS foods: no license, permit, or inspection required. Food handler certification required. Local public health entities may NOT regulate production, require a permit, or charge fees for direct-to-consumer sales.)

**SEPARATE KITCHEN REQUIRED?**

No

**PETS ALLOWED?**

No specific state cottage food pet restriction; general sanitation standards apply

**HOME OCCUPATION PERMIT?**

Conditional (Texas state law (Tex. Health & Safety §437.001 et seq.) expressly preempts local public health entities from regulating cottage food production or requiring permits/fees. Montgomery County’s unincorporated areas are generally permissive for home-based businesses. However, cities within Montgomery County (Conroe, The Woodlands area, etc.) may have home occupation zoning ordinances. Check with specific city for any home occupation permit requirements.)

**ON-SITE / PORCH PICKUP?**

Yes

**INSPECTION REQUIRED?**

No (Health departments have NO regulatory authority to inspect cottage food operations or require fees. SB 541 (2025) maintains this preemption.)

### Home kitchen rules

<b>HOME KITCHEN ALLOWED</b>	Yes — No TCS foods without registration (as of SB 541, 2025). Non-TCS foods: no license, permit, or inspection required. Food handler certification required. Local public health entities may NOT regulate production, require a permit, or charge fees for direct-to-consumer sales.
<b>SEPARATE DEDICATED KITCHEN</b>	No
<b>PET RESTRICTIONS</b>	No specific state cottage food pet restriction; general sanitation standards apply
<b>WATER SUPPLY</b>	No specific water testing requirement in state cottage food law
<b>HANDWASHING</b>	Implied by food handler certification requirement
<b>FOOD STORAGE</b>	Standard home kitchen storage; products must not be adulterated

### Inspection & permitting

<b>INSPECTION REQUIRED</b>	No — Health departments have NO regulatory authority to inspect cottage food operations or require fees. SB 541 (2025) maintains this preemption.
<b>HOME OCCUPATION PERMIT</b>	Conditional — Texas state law (Tex. Health & Safety §437.001 et seq.) expressly preempts local public health entities from regulating cottage food production or requiring permits/fees. Montgomery County’s unincorporated areas are generally permissive for home-based businesses. However, cities within Montgomery County (Conroe, The Woodlands area, etc.) may have home occupation zoning ordinances. Check with specific city for any home occupation permit requirements.
<b>LOCAL BUSINESS LICENSE</b>	Varies

### Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Non-TCS foods: direct sales at home, farmers markets, online, mail/delivery, roadside stands. Third-party online platforms (Goldbelly, Amazon, etc.) allowed. \$150,000 annual gross sales cap. TCS foods: registration with DSHS required (effective Sept 1, 2025 per SB 541); may sell to cottage food vendors. Internet sales including across state lines permitted.
MAX EMPLOYEES IN HOME	Not restricted by state cottage food law

### Relevant county code

Tex. Health & Safety §437.001 et seq.; SB 541 (2025) for TCS food registration

#### RESEARCH NOTES

Texas is a Great-tier state with strong preemption of local health department regulation. Montgomery County (unincorporated) has no authority to require permits or fees for cottage food production. SB 541 (2025) expanded the law to allow TCS foods with DSHS registration. \$150,000 annual cap. Food handler certification required. State law does not preempt general home occupation zoning rules from cities (only health-department-style regulations are preempted). Montgomery County is rapidly growing suburban/exurban county; most population in unincorporated areas. No Montgomery County-specific cottage food overlay rules found. Confidence medium because city-level rules for Conroe and other municipalities were not specifically retrieved.

#### SOURCES VERIFIED AT RESEARCH TIME

<https://mctx.org>

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

<https://texascottagefoodlaw.com/>

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

## State context — Texas cottage food law

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

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

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