

## COTTAGE FOOD LAW REPORT

# Upshur County

Texas · Gilmer · FIPS 48459 · Population 44,050 · Crosodo  
Index #140\*

## 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: UPSHUR COUNTY

CROSODO INDEX #140\* · FIPS 48459 · Gilmer

# Upshur County

Population 44,050 · 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, effective Sept 1 2025) allows sale of nearly all non-TCS foods plus TCS foods directly to consumers. Annual gross income cap \$150,000 (CPI-indexed). No permit, license, or inspection fee may be required by any local or county authority. Upshur County is a rural Northeast Texas county with no county zoning code; state law governs.)

**SEPARATE KITCHEN REQUIRED?**

No

**PETS ALLOWED?**

No specific pet restriction in state cottage food law.

**HOME OCCUPATION PERMIT?**

No (Texas law explicitly prohibits local health departments and county governments from requiring cottage food producers to obtain any license, permit, or pay any fee. Upshur County has no county zoning ordinance for unincorporated areas.)

**ON-SITE / PORCH PICKUP?**

Yes

**INSPECTION REQUIRED?**

No (No routine inspection. DSHS or local health authority may act only 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, effective Sept 1 2025) allows sale of nearly all non-TCS foods plus TCS foods directly to consumers. Annual gross income cap \$150,000 (CPI-indexed). No permit, license, or inspection fee may be required by any local or county authority. Upshur County is a rural Northeast Texas county with no county zoning code; state law governs.
<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 testing requirement.
<b>HANDWASHING</b>	No specific state cottage food handwashing mandate beyond food safety education requirement.
<b>FOOD STORAGE</b>	Non-TCS foods unrestricted; TCS foods must be held at proper temperatures (≤41°F or ≥135°F).

## Inspection & permitting

<b>INSPECTION REQUIRED</b>	No — No routine inspection. DSHS or local health authority may act only to prevent an immediate and serious threat to human life or health.
<b>HOME OCCUPATION PERMIT</b>	No — Texas law explicitly prohibits local health departments and county governments from requiring cottage food producers to obtain any license, permit, or pay any fee. Upshur County has no county zoning ordinance for unincorporated areas.
<b>LOCAL BUSINESS LICENSE</b>	No

### Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Yes
DELIVERY / PICKUP RULES	Direct-to-consumer sales anywhere in Texas including home pickup, farmers markets, events, and online (with personal delivery). Non-TCS foods may be sold wholesale through registered cottage food vendors. No interstate shipping.
MAX EMPLOYEES IN HOME	Not specified in state statute.

### Relevant county code

No county zoning ordinance identified for unincorporated Upshur County. State law preempts local cottage food regulation.

#### RESEARCH NOTES

Upshur County is a rural Northeast Texas county (county seat Gilmer) between Tyler and Texarkana. No county zoning authority outside incorporated municipalities. Defaulted to state baseline.

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#### SOURCES VERIFIED AT RESEARCH TIME

<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/upshur-county-discuss>

## State context — Texas cottage food law

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

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

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