



Vote Yes on HB 644

Until the Legislature adopted the first cottage food law in 2011, it was illegal to sell homemade food in Texas. Since passage of the 2011 and 2013 cottage food laws, over 1,000 small businesses have been established in our state.

But some of the law's current provisions limit farmers and other entrepreneurs from building a viable business, without materially improving food safety. **Under current law:**

- Only specifically listed foods may be sold, while other equally low-risk foods cannot.
- Cottage food operators may only sell their food at certain events like farmers' markets, county fairs, or nonprofit events. Producers have reported being able to sell at a specific location one weekend at a nonprofit event, only to be unable to sell the exact same product at the exact same location the next weekend because the event was sponsored by a for-profit entity.
- Only pickled cucumbers may be sold -- excluding all other pickled items.

HB 644 by Representatives VanDeaver, Kacal, Rodriguez, Lambert, and Price, and sponsored by Senator Kolkhorst:

- Allows cottage food producers to sell any non-potentially hazardous (NPH) food;
- Allows cottage food producers to sell directly to consumers at any location; and
- Allows both canned and fresh pickles of all types of vegetables and fruits.

HB 644 passed the House by a vote of 137-3.

NPH foods are those that do not require time or temperature controls (refrigeration) to keep them safe for human consumption. These types of food are extremely low risk for food-borne illness.

No outbreaks of food-borne illness caused by cottage foods have been reported in Texas since the first cottage food law passed in 2011.

What CS HB 644 Does & Does Not Change

- Sales will continue to be limited to direct-to-consumer.
- Cottage food producers will still be required to produce their food in the kitchen of their primary residence, with appliances designed for common residential usage.
- HB 644 removes the arbitrary restriction on where foods can be sold. As long as sales are direct-to-consumer, limiting the locations does not improve public safety – it just hampers small businesses.
- The bill adds acidified canned foods subject to a requirement that the recipe be approved or tested to establish safe pH levels. Multiple other states allow such foods under their cottage food laws, with **no** reported illnesses resulting. Acidified canned foods are simply pickles that have been heat-treated to be shelf-stable (like the jars of pickles or sauerkraut in your home pantry).
- This increases consumer access to locally produced foods and encourages local business development.

HB 644 is supported by the Texas Local Food and Farm Coalition, Texas Organic Farmers & Gardeners Association, Farm & Ranch Freedom Alliance, the Sustainable Food Center, Food Policy Council of San Antonio, GROW North Texas, and Waller County Farmers & Ranchers Cooperative.

For more information, contact Judith McGeary, Farm and Ranch Freedom Alliance, Judith@FarmAndRanchFreedom.org, 512-484-8821 (c).

Economic benefits of cottage food production

- Cottage food sales promote more spending in the local economy and increase the amount of money circulated within it.¹
- Cottage food sales support local farmers, who can generate more revenue by supplementing fresh produce sales with prepared products that they can sell year-round and at a higher profit margin.²
- Cottage food sales encourage local business development, which in turn creates a stronger sense of community and increases quality of life for residents.³
- Cottage food business can serve as a launching pad for successful business creation and economic development.⁴

Cottage food laws particularly benefit women and low-income households

- Cottage food producers are primarily women. While business ownership overall remains a male-dominated activity, cottage food producers are overwhelmingly female.⁵
- Cottage food producers report household incomes considerably lower than the national median. Even a small amount of extra income from a cottage food business can be helpful to a lower-income household.⁶
- The requirements for commercial kitchens can prevent small producers from being able to provide these foods or raise their prices. Adding items such as canned acidified vegetables to the cottage food law means greater accessibility of these healthy, nutritious foods at affordable prices.

Cottage foods do not pose a public health threat

- NPH foods are extremely low risk. They cannot support the rapid growth of bacteria that would make people sick when held outside of refrigeration temperatures.
- FARFA contacted 24 other states with cottage food laws similar to HB 644, speaking with both extension agents and health department officials.
 - Only one state (Minnesota) had a single incident of foodborne illness that had been connected to a cottage food operation making cookies.
 - Other states overwhelmingly report that their cottage food laws have been successful and are popular with both producers and consumers.

¹⁻⁴ Rice, Christina, and Emily Broad Lieb. *Cottage Food Laws in the United States*. Food Law and Policy Clinic: Harvard Law School, Aug. 2018, www.chlpi.org/wp-content/uploads/2013/12/FLPC_Cottage-Foods-Report_August-2018.pdf.

⁵⁻⁶ McDonald, Jennifer. *Flour Power: How Cottage Food Entrepreneurs Are Using Their Home Kitchens to Become Their Own Bosses*. Institute for Justice, Dec. 2017, ij.org/wp-content/uploads/2017/12/Cottage-Foods-Web.pdf.