



Support HB 2108/ SB 572 Improve the Cottage Food Law

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 the current law, cottage food operators may only sell their food at certain locations like farmers markets, county fairs, or nonprofit events. Only specifically listed foods may be sold, while other equally low-risk foods cannot. And the only acidified canned food that may be sold is cucumber pickles (excluding all other pickled items).

HB 2108 by Representative Rodriguez and SB 572 by Senator Kolkhorst:

- Allows cottage food producers to sell any food that does not require time or temperature controls for safety (non-TTCS foods) directly to consumers at any location;
 - This includes internet sales **so long as** one portion of the transaction is in person – maintaining the local, direct-to-consumer relationship while allowing the use of common business platforms like PayPal or online shopping carts, which are banned under the current law.
- Allows all types of pickles, both acidified canned foods and fermented foods.
- Adds frozen fruits and vegetables to the list of allowed foods, subject to safe temperature standards.

The Facts about Food Safety

- Non-TTCS foods are those that do not require time or temperature control (refrigeration) to keep them safe for human consumption. These types of food are extremely low risk for food-borne illness.
- No known outbreaks of food-borne illness caused by cottage foods have been reported in Texas since the first cottage food law passed in 2011.
- Out of more than 20 other states with similar cottage food laws, there has been just one reported outbreak (of norovirus) from a cottage food operation.

What HB 2108/ SB 572 Does

- 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 2108/ SB 572 removes the arbitrary restrictions on where foods can be sold and the ban on internet sales. These restrictions do not improve public safety – they just hamper small businesses.
- The bill adds acidified canned foods and fermented foods subject to a requirement that the recipe be tested to establish safe pH levels. Multiple other states allow such foods under their cottage food laws, with **no** reported illnesses resulting.
- This increases consumer access to locally produced foods, and encourages local business development

HB 2108/ SB 572 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

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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 or frozen 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

- Non-TTCS 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 2108, 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.
 - One other state (New Hampshire) reported a single outbreak of foodborne illness from a home-based food seller. But the outbreak was attributed to pulled pork sandwiches, a food outside both the scope of their cottage food law and of Texas' proposed law.
 - Complaints received about cottage food operations generally centered around people selling foods that were not covered by that state's law or HB 2108.
 - 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.