

Support HB 970, the “Cottage Foods Bill,” by Eddie Rodriguez

HB 970 would expand the current cottage foods law to include more low-risk foods, and allow for sales at farmers’ markets, farm stands, and community events. The bill provides opportunities for micro- and start-up businesses to meet the growing demand for locally produced foods in both rural and urban areas.

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Supporting Organizations: Farm and Ranch Freedom Alliance; Farm-to-Consumer Legal Defense Fund; Food Democracy Now; HomeGrown Revival; Organic Consumers Association; Slow Food Austin; Slow Food South Texas; Sustainable Food Center; Texas Certified Farmers Market Association; Texas Organic Farmers and Gardeners Association; Weston A. Price Foundation

Supporting Farmers’ Markets: Barton Creek (Austin); Cedar Park; Dripping Springs; Fair Market (Tyler); Heritage Guild of Collin County & Chestnut Square Historic Village; HOPE (Austin); Jacksonville; Manor; Mueller (Austin); North Central Texas (Tarrant County); River Valley; and Rusk (Henderson).

Almost 100 people registered in support of HB 970 at the Committee hearing.



Under a bill passed last session (SB 81), “cottage food producers” can make specific low-risk foods such as cakes, cookies, and jams in their homes and sell directly to consumers, up to \$50,000 per year, without being regulated by the health department. More than 30 other states have cottage food laws with varying provisions.

The 2011 law has led to the establishment and growth of numerous small businesses across the state, with **no** reports of foodborne illness resulting.

HB 970 clarifies and expands on this important law:

- Expands the allowable types of foods to include nonpotentially hazardous foods such as candy, dried fruits and vegetables, and granolas. All of the foods in HB 970 have been included in several other states’ cottage food laws.
 - “Nonpotentially hazardous foods” do not need time or temperature controls for safety (i.e. they do not need to be refrigerated or frozen).
 - HB 970 also clarifies the existing law by explicitly **prohibiting** cottage food producers from selling “potentially hazardous foods,” and defining the terms.
- Expands the list of allowable locations to include farmers’ markets, farm stands, and community events. (Currently, customers must come to the individual’s home to buy products.)
- Exempts cottage food producers from zoning restrictions, as home-based small businesses. HB970 explicitly protects neighbors’ claims for nuisance or any other issue, just in case there ever is a problem.
- Requires the food to be labeled with the producer’s name and address, and include a statement that the food is not inspected by the state or local health departments.
- Adds new food safety provisions:
 - Requires that cottage food producers take an approved food handlers’ course, which is a 2-hour course offered in every county and online; and
 - Requires that products be packaged to prevent contamination, unless too large or bulky.
- Confirms that sales must be direct producer-to-consumer. Cottage foods could **not** be sold in grocery stores or similar retail outlets, at wholesale, over the internet, or by mail order.



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