



## Support HB 2600 Legalize More Home-Based Local Food Businesses

In 2011 and 2013, the Texas Legislature legalized that sale of food prepared in home kitchens within a very specific framework: direct-to-consumer sales only, of specifically listed nonpotentially hazardous foods, at specific locations, and limited to \$50,000 in annual sales. A recent articles in *Forbes* estimated that over 1,000 new businesses have been created under the cottage food law.

However, the limitations on what can be produced and where the food can be sold limits the cottage food law's usefulness for many farmers and food producers. A growing number of states have adopted either expanded cottage food laws or separate provisions that allow for more diverse home food production. Iowa, New Hampshire, Ohio, California, and Virginia each have laws that allow home-based food businesses to produce additional foods and/or sell wholesale under certain conditions.

The Texas Home Processors Bill (aka The Tamale Bill) would create a middle tier of regulation that addresses genuine concerns about the risks of the food and expanded distribution, while still providing realistic opportunity for home production. The home processors bill would allow home preparation of more foods, such as tamales, canned vegetables, fermented foods, and perishable (potentially hazardous) baked goods. The bill would also allow for the sale of home prepared foods anywhere in the state, including through mail order and internet sales, as long as the producer and consumer are both in Texas. Interstate sales would still be prohibited, as they are governed by federal law. Home processors would be able to do wholesale sales of both cottage food products and the additional food items.

The bill would not include the annual gross sale limit; however, space and equipment limitations restrict how much food can be prepared in a home kitchen. In practical terms, once a food producer grows to a certain size, he or she will either have to cap their production or establish a commercial kitchen subject to full regulation.

To ensure that home processors are producing food in a completely safe manner, home processors would be subject to regulatory provisions including requirements for:

- Registration with, and inspection by, state or local state health department.
- Food safety training for personnel.
- Health restrictions on food handlers.
- Sanitation measures, such as keeping the ingredients and food for sale separate from that for personal use; cleaning surfaces, utensils, and equipment; excluding pets; and maintaining foods at safe temperatures.
- Record-keeping of all food sold and locations sold at.
- Labeling of ingredients and a notification that the food was prepared in a home kitchen.
- Additional regulatory provisions for low-acid canned foods, acidified canned foods, and fermented foods, to ensure safe recipes are used.

The proposed bill would address food safety concerns in a scale-sensitive manner, allowing for safe home food production and sales. This benefits not only producers, but also consumers, who receive improved access to healthy, locally produced foods.

The home processors bill is supported by the Farm and Ranch Freedom Alliance, Texas Certified Farmers Market Association, Sustainable Food Center, Slow Food Austin, Farm and Food Coalition (East Texas Community Food Coalition), and Weston A. Price Foundation

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