

COTTAGE FOOD LAW REPORT

Bernalillo County

New Mexico · Albuquerque · FIPS 35001 · Population
674,692 · Crosodo Index #483*

STATE BASELINE

NMSA §25-12-3 (Homemade Food Act, eff. July 1, 2021); no sales cap

STATE TIER

Great

ANNUAL SALES CAP (STATE)

—

CONFIDENCE

MEDIUM

LAST VERIFIED

2026-05-05

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.

How to start — 60-second path

Bernalillo County, New Mexico — permit, pickup, and label steps before the full county rules.

HOME KITCHEN ALLOWED?

Yes

STATE SALES CAP

—

HOME OCCUPATION PERMIT?

Conditional

ON-SITE / PORCH PICKUP?

Yes

INSPECTION

No

PETS

Not specified; standard sanitation applies

BEFORE YOU SELL FROM THIS ADDRESS

- ☐ **1. Menu** — Confirm each product under New Mexico cottage food rules (county cannot expand a state ban).
- ☐ **2. Pickup & zoning** — Home occupation and porch pickup cells above; HOA/lease may still block customer traffic.
- ☐ **3. Local tax / license** — Business license or sales tax certificate if your city/parish requires it (common even with no state food permit).
- ☐ **4. Training** — Food handler or state registration before market day.
- ☐ **5. Labels** — Disclaimer, allergens, ingredients, net quantity, producer info.
- ☐ **6. Call if unclear** — County health and planning for your exact address.

LABEL FIELDS TO INCLUDE

- ☐ Product name · producer name · address (or allowed alternative)
- ☐ Ingredients by weight · major allergens · net weight/quantity
- ☐ New Mexico home-kitchen disclaimer (see live label one-pager)

CONTINUE ONLINE

[Open the live county page →](#)

[New Mexico label one-pager →](#)

[Local notes & questions →](#)

Planning path only — not legal advice. Rules change. Always verify with state and local offices before selling.

NEW MEXICO: BERNALILLO COUNTY

CROSODO INDEX #483* · FIPS 35001 · Albuquerque

Bernalillo County

Population 674,692 · State baseline: NMSA §25-12-3 (Homemade Food Act, eff. July 1, 2021); no sales cap · **MEDIUM**

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (State baseline: non-TCS foods only. No registration required (voluntary NMED permit available). Food handler certification required. Direct-to-consumer sales only, in-state only. No sales to restaurants, wholesalers, or distributors.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

Not specified; standard sanitation applies

HOME OCCUPATION PERMIT?

Conditional (City of Albuquerque has home occupation permit requirements (Albuquerque Zoning Code Section 14-16-3-3 Home Occupation). Contact Albuquerque Planning Department. Bernalillo County governs unincorporated areas. State homemade food law does not preempt local home occupation zoning.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (NMED has enforcement authority but must issue a written warning before imposing fines. Max fine \$100/violation.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — State baseline: non-TCS foods only. No registration required (voluntary NMED permit available). Food handler certification required. Direct-to-consumer sales only, in-state only. No sales to restaurants, wholesalers, or distributors.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	Not specified; standard sanitation applies
WATER SUPPLY	Potable water; state baseline
HANDWASHING	Food handler certification required under NMSA §25-12-3
FOOD STORAGE	Standard food storage; non-TCS only

Inspection & permitting

INSPECTION REQUIRED	No — NMED has enforcement authority but must issue a written warning before imposing fines. Max fine \$100/violation.
HOME OCCUPATION PERMIT	Conditional — City of Albuquerque has home occupation permit requirements (Albuquerque Zoning Code Section 14-16-3-3 Home Occupation). Contact Albuquerque Planning Department. Bernalillo County governs unincorporated areas. State homemade food law does not preempt local home occupation zoning.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Broad direct-to-consumer: home, farmers markets, events, online, mail delivery within New Mexico only. No wholesale to restaurants, distributors, retailers, or out-of-state. No sales cap.
MAX EMPLOYEES IN HOME	Unknown

Relevant county code

NMSA §25-12-3; Albuquerque Zoning Code §14-16-3-3 for home occupations

RESEARCH NOTES

Bernalillo County follows New Mexico state baseline under the Homemade Food Act. No sales cap is a notable feature. No Bernalillo County-specific cottage food ordinance found. Albuquerque likely has home occupation permit requirements.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.bernco.gov/environmental-health>

<https://www.bernco.gov/planning>

<https://www.bernco.gov>

<https://www.env.nm.gov/foodprogram/homemade-food-act/>

Questions about this county? Local notes and a place to leave a question: crosodo.com/nb/new-mexico/bernalillo-county-discuss

Bordering counties — cottage food law

Regulation	Bernalillo County	Santa Fe County	Sandoval County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	Not specified; standard sanitation applies	No specific state restriction on pets in home.	No specific state restriction on pets in home.
INSPECTION REQUIRED	No	No	No
ON-SITE CUSTOMER PICKUP	Yes	Yes	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Broad direct-to-consumer: home, farmers markets, events, online, mail delivery within New Mexico only. No wholesale to restaurants, distrib...	Sales at farmers markets, festivals, internet, roadside stands, home pickup/delivery, and mail delivery all permitted within New Mexico. No...	Sales at farmers markets, festivals, internet, roadside stands, home pickup/delivery, and mail delivery within New Mexico. No sales to rest...
HOME OCCUPATION PERMIT	Conditional	Varies	Varies
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	State baseline: non-TCS foods only. No registration required (voluntary NMED permit available). Food handler certification required. Direct...	New Mexico Homemade Food Act (eff. July 1, 2021): no registration or permit required (voluntary permit available). No sales cap. Food handl...	New Mexico Homemade Food Act (eff. July 1, 2021): no registration or permit required (voluntary permit available from NMED). No sales cap. ...
FOOD STORAGE	Standard food storage; non-TCS only	Non-TCS foods only. Hemp/CBD-infused foods require commercial permit. Alcohol-containing foods prohibited from private residences.	Non-TCS foods only. Alcohol-containing foods and CBD/hemp products prohibited from private residences.
POPULATION	674,692	154,481	149,460

State context — New Mexico cottage food law

Bernalillo County's rules sit on top of New Mexico's state cottage food framework. The state law sets the floor — counties can add but cannot remove protections.

STATUTE	ANNUAL SALES CAP
NMSA §25-12-3 (Homemade Food Act)	—
REGISTRATION REQUIRED	FOOD HANDLER CERT
No	Yes
KITCHEN INSPECTION	DIRECT SALES ONLY
No	Yes
INDIRECT SALES	
No — Sales must be direct to consumers within New Mexico. Products may not be sold to restaurants, wholesalers, distributors, or outside New Mexico. Internet, mail, and phone sales directly to consumers are permitted. The NMED Food Safety Program does not have jurisdiction in Bernalillo County and Albuquerque (which have their own programs); those areas may operate mandatory or voluntary permit systems.	

For the full state-level analysis including the verbatim statute text, see the [New Mexico cottage food law report](#) on Crosodo, or open the live guide: crosodo.com/states/new-mexico.

STATE-LEVEL REFERENCES

State statute: <https://laws.nmonesource.com/w/nmos/Chapter-25-NMSA-1978>

State dept cottage food page: <https://www.env.nm.gov/foodprogram/homemade-food-act/>

Forrager.com: <https://forrager.com/law/new-mexico/>

Questions about Bernalillo County? Local notes and a place to leave a question are on Crosodo. We monitor new threads — start with zoning, permits, or porch pickup.

crosodo.com/nb/new-mexico/bernalillo-county-discuss

Classifieds

Resources for cottage food & home bakers · crosodo.com/advertise

NATIONAL

SUPPLIES

Advertise here — Supplies

Reach home bakers across the country. crosodo.com/advertise

COURSES

Advertise here — Courses

Reach home bakers across the country. crosodo.com/advertise

INSURANCE

Advertise here — Insurance

Reach home bakers across the country. crosodo.com/advertise

LOCAL

Advertise here

Reach home bakers in Bernalillo County, New Mexico. Supply stores, farmers markets, kitchen rentals, and bakery services welcome.

crosodo.com/advertise

Your business here

Local cottage food listings, kitchen rentals, co-packer referrals, and community events — post yours on Crosodo.

crosodo.com/nb/new-mexico/bernalillo-county-discuss

Free ad space available

Let us know if you're a non-profit or community organization. Farmers markets, kitchen rentals, and cottage food events near you welcome.

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