

COTTAGE FOOD LAW REPORT

Dona Ana County

New Mexico · Las Cruces · FIPS 35013 · Population 219,870 ·
Crosodo Index #439*

STATE BASELINE

NMSA §25-12-3 (Homemade Food Act)

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

Dona Ana 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

No explicit state-level pet restriction documented for New Mexico Homemade Food Act. Standard sanitation practices apply.

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: DONA ANA COUNTY

CROSODO INDEX #439* · FIPS 35013 · Las Cruces

Dona Ana County

Population 219,870 · State baseline: NMSA §25-12-3 (Homemade Food Act) · **MEDIUM**

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (New Mexico Homemade Food Act (NMSA §25-12-3, effective July 1, 2021) permits production of non-TCS foods from private residences. No sales cap. Direct-to-consumer only (no wholesale to restaurants/distributors). No interstate sales. A voluntary NMED permit is available but not mandatory. Food handler certification required. Dona Ana County (Las Cruces area) has no documented county-specific overrides.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No explicit state-level pet restriction documented for New Mexico Homemade Food Act. Standard sanitation practices apply.

HOME OCCUPATION PERMIT?

Conditional (New Mexico Homemade Food Act does not require a permit. However, Dona Ana County and City of Las Cruces may have home occupation zoning requirements for home-based businesses. Contact Dona Ana County Planning & Zoning or Las Cruces Planning Department. Voluntary NMED permit available if operators prefer it.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (NMED has enforcement authority under the Homemade Food Act but must issue a written warning before imposing fines. No routine inspections. Maximum fine is \$100 per violation.)

Home kitchen rules

HOME KITCHEN ALLOWED

Yes — New Mexico Homemade Food Act (NMSA §25-12-3, effective July 1, 2021) permits production of non-TCS foods from private residences. No sales cap. Direct-to-consumer only (no wholesale to restaurants/distributors). No interstate sales. A voluntary NMED permit is available but not mandatory. Food handler certification required. Dona Ana County (Las Cruces area) has no documented county-specific overrides.

SEPARATE DEDICATED KITCHEN

No

PET RESTRICTIONS

No explicit state-level pet restriction documented for New Mexico Homemade Food Act. Standard sanitation practices apply.

WATER SUPPLY

No specific water testing requirement under New Mexico Homemade Food Act.

HANDWASHING

Food handler certification required, which includes handwashing and hygiene training.

FOOD STORAGE

Non-TCS (not time/temperature-controlled-for-safety) foods only. Standard safe storage practices required.

Inspection & permitting

INSPECTION REQUIRED

No — NMED has enforcement authority under the Homemade Food Act but must issue a written warning before imposing fines. No routine inspections. Maximum fine is \$100 per violation.

HOME OCCUPATION PERMIT

Conditional — New Mexico Homemade Food Act does not require a permit. However, Dona Ana County and City of Las Cruces may have home occupation zoning requirements for home-based businesses. Contact Dona Ana County Planning & Zoning or Las Cruces Planning Department. Voluntary NMED permit available if operators prefer it.

LOCAL BUSINESS LICENSE

Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	New Mexico Homemade Food Act allows sales through any channel including farmers markets, festivals, internet, roadside stands, home pickup/delivery, and mail delivery within New Mexico. No interstate sales.
MAX EMPLOYEES IN HOME	No explicit employee cap in New Mexico Homemade Food Act. Home occupation zoning may restrict non-resident employees.

Relevant county code

NMSA §25-12-3; Dona Ana County zoning ordinances (contact Planning & Zoning for home occupation details)

RESEARCH NOTES

New Mexico Homemade Food Act is among the more permissive frameworks nationally. Dona Ana County is a border county with Las Cruces as the county seat. No county-specific URLs provided in input. No Dona Ana County-specific cottage food overrides found. Hemp/CBD-infused foods require a commercial hemp manufacturing facility permit and cannot be made at home under the Act.

SOURCES VERIFIED AT RESEARCH TIME

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

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

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

Bordering counties — cottage food law

Regulation	Dona Ana County	Otero County	Luna County
HOME KITCHEN ALLOWED	Yes	Yes	—
SEPARATE DEDICATED KITCHEN	No	No	—
PETS ALLOWED	No explicit state-level pet restriction documented for New Mexico Homemade Food Act. Standard sanitation practices apply.	Not specified in state law	—
INSPECTION REQUIRED	No	No	—
ON-SITE CUSTOMER PICKUP	Yes	Yes	—
ON-SITE SIGNAGE	Conditional	Conditional	—
DELIVERY / PICKUP	New Mexico Homemade Food Act allows sales through any channel including farmers markets, festivals, internet, roadside stands, home pickup/...	Direct-to-consumer only; face-to-face transaction required within NM	—
HOME OCCUPATION PERMIT	Conditional	Varies	—
LOCAL BUSINESS LICENSE	Varies	Varies	—
RESTRICTIONS	New Mexico Homemade Food Act (NMSA §25-12-3, effective July 1, 2021) permits production of non-TCS foods from private residences. No sales ...	No state permit required. Food handler certification (NMSU online training) required, valid 3 years. Direct-to-consumer sales only within N...	—
FOOD STORAGE	Non-TCS (not time/temperature-controlled-for-safety) foods only. Standard safe storage practices required.	Appropriate storage for shelf-stable products	—
POPULATION	219,870	67,850	25,393

State context — New Mexico cottage food law

Dona Ana 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

NMSA §25-12-3 (Homemade Food Act)

ANNUAL SALES CAP

—

REGISTRATION REQUIRED

No

FOOD HANDLER CERT

Yes

KITCHEN INSPECTION

No

DIRECT SALES ONLY

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 Dona Ana 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/dona-ana-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 Dona Ana 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/dona-ana-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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