

COTTAGE BAKERY FROM HOME

Can I sell from my kitchen in Dona Ana County, New Mexico?

Home kitchen sales. Not a shop or rented commercial kitchen. Last verified 2026-05-05.

STATE FOOD PERMIT	HOME OCCUPATION	BUSINESS LICENSE	SALES CAP
No	Conditional	Varies	—

NEW MEXICO RULES. OPEN THESE FIRST.

[New Mexico permits PDF](#)

[New Mexico cottage food law page](#)

[New Mexico Environment Department cottage food program](#)

[Statute: NMSA §25-12-3 \(Homemade Food Act\)](#)

NOT LEGAL ADVICE

This is what it takes to sell from a home kitchen in Dona Ana County. Confirm each step with Planning, Health, and the license office before you sell.

What you need

Dona Ana County, New Mexico. File every Yes. Confirm every Check or Ask. Stay under the sales cap.

STATE FOOD PERMIT

No

ANNUAL SALES CAP

—

HOME OCCUPATION / ZONING

Conditional

LOCAL HEALTH

No

BUSINESS LICENSE

Varies

PICKUP AT THE HOUSE

Yes

HOME KITCHEN ONLY

If you want a shop or a rented commercial kitchen, these rows do not apply.

CONTINUE ONLINE

[New Mexico permits PDF →](#)

<https://crosodo.com/reports/pdf/permits/new-mexico.pdf>

[New Mexico cottage food law page →](#)

<https://crosodo.com/states/new-mexico>

[Permit page for this place →](#)

<https://crosodo.com/what-permits/new-mexico/dona-ana-county>

[Dona Ana County cottage food law page →](#)

<https://crosodo.com/states/new-mexico/dona-ana-county>

Not legal advice. Rules change. Confirm with the office before you file.

Where to file

State

New Mexico registration: No. Routine kitchen inspection: 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.

New Mexico permits PDF: crosodo.com/reports/pdf/permits/new-mexico.pdf

State law page: crosodo.com/states/new-mexico

New Mexico Environment Department: <https://www.env.nm.gov/foodprogram/homemade-food-act/>

Statute: [NMSA §25-12-3 \(Homemade Food Act\)](#)

Zoning / home occupation

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.

Health

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.

Business license

Varies

Pickup / delivery

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.

If you rent a commissary kitchen

Environment Department licenses food. New Mexico cottage food is a home path. A commissary is a food establishment licensed by the Environment Department or the local environmental health office.

Official source: [NMED food program](#)

This file is the home-kitchen path. A rented kitchen uses a different permit. Ask the kitchen manager which license they expect, then call the local health office.

SOURCES

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

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

Dona Ana County and nearby places

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

More pages for this place

These Crosodo pages cover the same home cottage-food path:

New Mexico permits PDF: crosodo.com/reports/pdf/permits/new-mexico.pdf

New Mexico cottage food law: crosodo.com/states/new-mexico

Dona Ana County cottage food law: crosodo.com/states/new-mexico/dona-ana-county