

## 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)

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## 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.

## 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**

<b>HOME KITCHEN ALLOWED</b>	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.
<b>SEPARATE DEDICATED KITCHEN</b>	No
<b>PET RESTRICTIONS</b>	Not specified; standard sanitation applies
<b>WATER SUPPLY</b>	Potable water; state baseline
<b>HANDWASHING</b>	Food handler certification required under NMSA §25-12-3
<b>FOOD STORAGE</b>	Standard food storage; non-TCS only

**Inspection & permitting**

<b>INSPECTION REQUIRED</b>	No — NMED has enforcement authority but must issue a written warning before imposing fines. Max fine \$100/violation.
<b>HOME OCCUPATION PERMIT</b>	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.
<b>LOCAL BUSINESS LICENSE</b>	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. County\_govt\_url blank in input — Bernalillo County website is [bernco.gov](http://bernco.gov).

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#### 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?** Join the Crosodo Forum to discuss your county’s specific zoning rules at <https://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	<b>Broad direct-to-consumer: home, farmers markets, events, online, mail delivery within New Mexico only. No wholesale to restaurants, distrib...</b>	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	<b>State baseline: non-TCS foods only. No registration required (voluntary NMED permit available). Food handler certification required. Direct...</b>	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	<b>Standard food storage; non-TCS only</b>	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.

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<b>STATUTE</b> NMSA §25-12-3 (Homemade Food Act)	<b>ANNUAL SALES CAP</b> —
<b>REGISTRATION REQUIRED</b> No	<b>FOOD HANDLER CERT</b> Yes
<b>KITCHEN INSPECTION</b> No	<b>DIRECT SALES ONLY</b> Yes
<b>INDIRECT SALES</b> 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.	

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For the full state-level analysis including the verbatim statute text, see the [New Mexico cottage food law report](#).

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### 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/>

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## Questions?

Join the Crosodo Forum to discuss Bernalillo County's specific zoning rules, permits, and what other home bakers are seeing locally.

<https://crosodo.com/nb/new-mexico/bernalillo-county-discuss>

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