

## COTTAGE FOOD LAW REPORT

# Chaves County

New Mexico · Roswell · FIPS 35005 · Population 64,701 ·  
Crosodo Index #1076\*

## STATE BASELINE

NMSA §25-12-3 (Homemade Food Act)

## 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: CHAVES COUNTY

CROSODO INDEX #1076\* · FIPS 35005 · Roswell

## Chaves County

Population 64,701 · State baseline: NMSA §25-12-3 (Homemade Food Act) · **MEDIUM**

## QUICK VIEW FOR BAKERS IN THIS COUNTY

## HOME KITCHEN ALLOWED?

Yes (Non-TCS homemade foods may be sold directly to consumers within New Mexico through any channel with no sales cap. Food handler certification required. No kitchen inspection. Voluntary NMED permit available. Cannot sell to restaurants, wholesalers, distributors, or interstate.)

## SEPARATE KITCHEN REQUIRED?

No

## PETS ALLOWED?

No specific state prohibition; good manufacturing practice applies

## HOME OCCUPATION PERMIT?

Varies (Chaves County includes Roswell. No specific county-level home occupation permit for cottage food identified beyond state requirements. Contact Chaves County Planning & Zoning or City of Roswell for local zoning.)

## ON-SITE / PORCH PICKUP?

Yes

## INSPECTION REQUIRED?

No (No routine inspection; NMED may issue written warning before fines (max \$100/violation))

## Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Non-TCS homemade foods may be sold directly to consumers within New Mexico through any channel with no sales cap. Food handler certification required. No kitchen inspection. Voluntary NMED permit available. Cannot sell to restaurants, wholesalers, distributors, or interstate.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	No specific state prohibition; good manufacturing practice applies
WATER SUPPLY	Potable water required
HANDWASHING	Standard handwashing per food handler training
FOOD STORAGE	Non-TCS foods only; proper storage required

## Inspection &amp; permitting

INSPECTION REQUIRED	No — No routine inspection; NMED may issue written warning before fines (max \$100/violation)
HOME OCCUPATION PERMIT	Varies — Chaves County includes Roswell. No specific county-level home occupation permit for cottage food identified beyond state requirements. Contact Chaves County Planning & Zoning or City of Roswell for local zoning.
LOCAL BUSINESS LICENSE	Varies

## Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Yes
DELIVERY / PICKUP RULES	Direct sales to consumers via any channel within NM: farmers markets, festivals, internet, roadside stands, home pickup/delivery, mail delivery. No interstate sales. No restaurant or wholesale channel.
MAX EMPLOYEES IN HOME	No specific limit stated

## Relevant county code

Contact Chaves County or City of Roswell for local zoning

### RESEARCH NOTES

New Mexico Homemade Food Act (HB 0177, eff. July 1, 2021) is expansive: no sales cap, any non-TCS food, all direct-to-consumer channels. Food handler cert required. Chaves County (Roswell) is a south-central NM county with agricultural economy. County govt URL confirmed at [chavescounty.gov](http://chavescounty.gov). No specific county overrides found.

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### SOURCES VERIFIED AT RESEARCH TIME

<https://www.chavescounty.gov>

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

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

**Questions?** Join the Crosodo Forum to discuss your county's specific zoning rules at <https://crosodo.com/nb/new-mexico/chaves-county-discuss>

## Bordering counties — cottage food law

Regulation	Chaves County	Eddy County	Otero County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific state prohibition; good manufacturing practice applies	No specific pet restriction in state law.	Not specified in state law
INSPECTION REQUIRED	No	No	No
ON-SITE CUSTOMER PICKUP	Yes	Yes	Yes
ON-SITE SIGNAGE	Yes	Conditional	Conditional
DELIVERY / PICKUP	Direct sales to consumers via any channel within NM: farmers markets, festivals, internet, roadside stands, home pickup/delivery, mail deli...	Direct-to-consumer within NM via any channel — farmers markets, festivals, internet, roadside stands, home pickup/delivery, and mail delive...	Direct-to-consumer only; face-to-face transaction required within NM
HOME OCCUPATION PERMIT	Varies	Varies	Varies
LOCAL BUSINESS LICENSE	Varies	Varies	Varies
RESTRICTIONS	Non-TCS homemade foods may be sold directly to consumers within New Mexico through any channel with no sales cap. Food handler certificatio...	New Mexico Homemade Food Act (eff. July 1, 2021) allows all non-TCS foods from private farm, ranch, or residence. No sales cap. No registra...	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 foods only; proper storage required	Non-TCS foods must be stored appropriately; no specific state mandate beyond general food safety.	Appropriate storage for shelf-stable products
POPULATION	64,701	61,264	67,850

## State context — New Mexico cottage food law

Chaves 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.

<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.	

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

### 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?

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

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

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