

COTTAGE FOOD LAW REPORT

McKinley County

New Mexico · Gallup · FIPS 35031 · Population 72,073 ·
Crosodo Index #1041*

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

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

HOME KITCHEN ALLOWED?

Yes

STATE SALES CAP

—

HOME OCCUPATION PERMIT?

Yes

ON-SITE / PORCH PICKUP?

Yes

INSPECTION

No

PETS

Not specified in state law

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: MCKINLEY COUNTY

CROSODO INDEX #1041* · FIPS 35031 · Gallup

McKinley County

Population 72,073 · State baseline: NMSA §25-12-3 (Homemade Food Act) · **MEDIUM**

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (Production allowed in private farm, ranch, or residence. No state permit required. Food handler certification (NMSU online training) required, valid for 3 years. Direct-to-consumer sales only within New Mexico. No sales to restaurants, wholesalers, or out-of-state.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

Not specified in state law

HOME OCCUPATION PERMIT?

Yes (McKinley County Business Ordinance requires all businesses operating in unincorporated McKinley County to obtain a county business license from the County Clerk (\$75/year). City of Gallup has its own licensing requirements within city limits.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

No (Complaint-based investigation by NMED Food Safety Bureau only)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Production allowed in private farm, ranch, or residence. No state permit required. Food handler certification (NMSU online training) required, valid for 3 years. Direct-to-consumer sales only within New Mexico. No sales to restaurants, wholesalers, or out-of-state.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	Not specified in state law
WATER SUPPLY	Standard residential water supply
HANDWASHING	Food handler certification training addresses proper practices
FOOD STORAGE	Appropriate storage required for shelf-stable products

Inspection & permitting

INSPECTION REQUIRED	No — Complaint-based investigation by NMED Food Safety Bureau only
HOME OCCUPATION PERMIT	Yes — McKinley County Business Ordinance requires all businesses operating in unincorporated McKinley County to obtain a county business license from the County Clerk (\$75/year). City of Gallup has its own licensing requirements within city limits.
LOCAL BUSINESS LICENSE	Yes

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct-to-consumer sales only; face-to-face transaction required; no online sales with third-party delivery
MAX EMPLOYEES IN HOME	Not specified

Relevant county code

McKinley County Business Licensing Ordinance (County Clerk)

RESEARCH NOTES

New Mexico Homemade Food Act (eff. July 2021) is Great-tier. McKinley County has a general business licensing ordinance requiring county license (\$75/yr) for all businesses. County business ordinance found on county website. No specific cottage food exemption in county code. NMED has jurisdiction in McKinley County (not a separate local program like Bernalillo/Albuquerque). Food handler cert required by state.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.co.mckinley.nm.us>

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

<https://www.co.mckinley.nm.us/DocumentCenter/View/159/Business-Ordinance-PDF>

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

Bordering counties — cottage food law

Regulation	McKinley County	San Juan County	Sandoval County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	Not specified in state law	No specific state or county restriction; standard food safety sanitation practices apply.	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	Direct-to-consumer sales only; face-to-face transaction required; no online sales with third-party delivery	New Mexico allows direct sales at farmers markets, festivals, online, roadside stands, home pickup/delivery, and mail delivery within NM on...	Sales at farmers markets, festivals, internet, roadside stands, home pickup/delivery, and mail delivery within New Mexico. No sales to rest...
HOME OCCUPATION PERMIT	Yes	Varies	Varies
LOCAL BUSINESS LICENSE	Yes	Varies	Varies
RESTRICTIONS	Production allowed in private farm, ranch, or residence. No state permit required. Food handler certification (NMSU online training) requir...	New Mexico Homemade Food Act allows non-TCS homemade foods from private residence. No mandatory registration (voluntary NMED permit availab...	New Mexico Homemade Food Act (eff. July 1, 2021): no registration or permit required (voluntary permit available from NMED). No sales cap. ...
FOOD STORAGE	Appropriate storage required for shelf-stable products	Non-TCS shelf-stable products. TCS foods must be made in NMED-permitted commercial kitchen.	Non-TCS foods only. Alcohol-containing foods and CBD/hemp products prohibited from private residences.
POPULATION	72,073	121,798	149,460

State context — New Mexico cottage food law

McKinley 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 McKinley 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/mckinley-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 McKinley 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/mckinley-county-discuss

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