**NM Cottage Law Foods**

HB177 is the NM Homemade Food Act that passed in April 2021 and was put into effect July 1st, 2021, opening new doors for cottage food vendors, even in Albuquerque, NM. As it reads, counties/cities can still require a license/permits but now cottage food operators will be able to:

* Sell directly to customers from home
* Sell on the internet inside New Mexico
* Sell by phone
* Ship products made within the state of New Mexico
* Deliver by mail, in-person or home pickup
* Sell at farmers’ markets, festivals, roadside stands.

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| **Foods that are allowed:** Non-TCS (Temperature Control for Safety) – shelf stable foods that do not require refrigeration. | | | |
| **Bread:** | **Candy:** | Spices & seasonings\* | Kettle corn |
| Bagels | Baked Candy | Tea/tea leaves | Marshmallows |
| Biscuits | Brittles | **Pastries** | Nuts & seeds |
| Breads\* | Chocolate | Cones | Popcorn |
| Brownies | Cotton candy | Empanada\* | Popcorn balls |
| Cakes\* | Fudge | Other pastries\* | **Preserves** |
| Cookies | **Dry Goods** | Pies\* | Jams\* |
| Doughnuts | Cereals | **Snack** | Jellies\* |
| Muffins | Coffee beans | Caramel corn | Preserves\* |
| Pizzelles | Dried fruit | Chocolate-covered items |  |
| Rolls |  | Crackers |  |
| Scones | Herbs | Pretzels |  |
| Sweet breads | Soup mixes | Fruit leathers |  |
| Tortillas | Pasta noodles: Egg and Glass | Granola |  |

**Spices & Seasonings:** garlic/herb and oil mixtures are not allowed. Spice mixes are prohibited. Spices sold individually are accepted   
**Empanada, Other Pastry, Pies, Cakes:** require refrigeration like banana cream, pumpkin, lemon meringue or custard pies; cheesecake; and cakes with glaze or frosting that requires refrigeration (e.g., cream cheese frosting) **Jams, Jellies and Preserves:** Items that contain vegetables: Hot pepper Jelly, Pumpkin, Sweet Potato, Strawberry Jalapeno, etc, are prohibited   
**Breads:** Items that contain vegetable like chili are prohibited unless tested and pass inspection. You must carry your letter of approval with you at all times

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| **Prohibited food:** potentially hazardous foods | | | |
| Refrigerated foods | Eggs | Raw sprouts (different from microgreens) | Freeze dried TCS foods: Ice cream, cheese, dairy, eggs, etc |
| Pickles | Milk and dairy products | Tofu | Curd |
| Salsa | Cooked, plant-based foods: cooked rice, beans, vegetables, etc. | Soy-protein foods | Canned products: fruits, veg, meat, relish, pickles, etc. |
| Relish | Baked potatoes | Caramel/candy apples | Salsa |
| **Meat:** beef, pork, lamb, etc. | Cut fruit | Garlic/herb in oil mixtures. | Smoked fish and other meat products |
| **Poultry:** chicken, turkey, duck, etc. | Cut vegetables and leafy greens | Jerky | hummus |
| **Fish –** shellfish and crustaceans | Mushrooms: Cooked and Raw | Items containing CBD/THC | Beverages: fruit/veg juice, |
| Kombucha tea, carbonated items | Apple Cider | Food products with fresh vegetables, fruits, and/or cheeses | Salad dressings |
| **Acidified foods:** foods with an acid level 4.6 or below (must be tested) | Dried Vegetables | Spice Mixes |  |

**Note:** although eggs, milk and dairy products are not allowed, used as ingredients for the allowed foods – is acceptable.

Many prohibited foods that are baked or cooked into the allowed foods are rendered harmless (non-TCS) and therefore allowed.

**Labeling Requirements\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Below is an example of what **New Mexico** requires on their labels.

**Tortillas  
Home Produced Food Product  
  
Ingredients: Flour (Unbleached Hard Wheat Flour, Malted Barley Flour,   
Niacin, Reduced Iron, Thiamin, Mononitrate, Riboflavin, Folic Acid), Water,   
Vegetable Shortening (PALM OIL, SOYBEAN OIL, HYDROGENATED PALM OIL,   
VEGETABLE MONO & DIGLYCERIDES, TBHQ AND CITRIC ACID ADDED   
TO PROTECT FLAVOR), Sugar, Salt**

**Net Wt 1lb (0.45kg)  
  
“This product is home produced and is exempt from state licensing and inspection.**

**1234 Anywhere LN  
here, NM, 12345  
575-000-0000  
barkey@email.com**

**Labels MUST CONTAIN**

* **The name, home address, telephone number, and email address of the processor of the food item**
* **The common or usual name of the food item (i.e. Chocolate Chip Cookies)**
* **The ingredients of the food item listed from the most to least present in the item.**
* **All sum-ingredients much be included on the ingredients statement. For example, when including “butter” on the ingredients statement, you must include all ingredients listed on the butter package like this; “utter (cream(milk), salt)”.**
* **The following statement must be on the label: “this product is home produced and is exempt from state licensing and inspection. This product may contain allergens.**