

# Bernalillo County Homemade Food Act

## Frequently Asked Questions



Beginning July 1, 2021, the Homemade Food Act will go into effect which will allow low risk foods prepared at a private farm, ranch, or residence to be sold directly to the consumer without a permit. Bernalillo County Health Protection will no longer issue Homebased Food Processor permits and current permit holders will not need to renew permits after the expiration date.

### Frequently Asked Questions

#### 1. What is the Homemade Food Act?

The Homemade Food Act is a New Mexico law passed in the 2021 NM Legislation that becomes effective July 1, 2021. The Act allows low risk foods prepared at a private farm, ranch, or residence to be sold directly to the consumer without a permit from either NMED, BernCo, or City of Albuquerque.

#### 2. What food items can be produced and sold under the Homemade Food Act?

The Act allows non-time/temperature control for safety (Non-TCS) foods to be produced. Non-TCS foods do not require refrigeration and include:

- Baked goods that do not require refrigeration
  - Cakes, cookies, bread, pies, pastries
- Candy
- Popcorn
- Chocolate covered pretzels
- dehydrated fruits
- Granola
- dry mixes
- Roasted coffee
- Whole fruit and vegetables
- Fruit jams and jellies

This is not an exhaustive list, nor does it dictate what may or may not be sold under the Act.

#### 3. What food items are not allowed to be produced at home under the act?

TCS foods are not allowed to be produced at a private farm, ranch, or residence and sold directly to consumers. TCS foods include:

- Meat and poultry
- Beef and poultry jerky
- Fish
- Salsa
- Vegetable jams/jellies (e.g., hot pepper jelly)
- Canned fruit or vegetables
- Canned pickled products like corn relish, pickles, or sauerkraut
  
- Pies or cakes that 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)
- Milk and dairy products like cheese or yogurt
- Cut melons
- Caramel apples
- Hummus
- Garlic in oil mixtures
- Beverages like fruit/vegetable juices, Kombucha tea, and apple cider
- Cut tomatoes or chopped/shredded leafy greens
- Sprouts
- Food products with fresh vegetables, fruits and/or cheeses
- Salad dressings
- Acidified foods

This is not an exhaustive list, nor does it dictate what may or may not be sold under the Act.

#### **4. How can I get help determining if the food I want to produce is non-TCS?**

If the product will be produced within unincorporated Bernalillo County please call Bernalillo County Health Protection at 505-314-0310 for more information.

If the product will be produced outside of Bernalillo County please visit <https://www.env.nm.gov/foodprogram/homemadefood/> for more information.

If the product will be produced within Albuquerque city limits please visit <https://www.cabq.gov/environmentalhealth>

#### **5. Where can I sell homemade food items?**

Homemade food items must be sold directly to the end consumer within the state of New Mexico at places like farmers' markets, festivals, on the internet, at roadside stands, at the seller's home for pick-up or delivery or through mail delivery.

Homemade food items may not be sold to a restaurant, a wholesaler or distributor, or outside the state of New Mexico. If you would like to sell food items to a restaurant, a

wholesaler or distributor, or outside the state of New Mexico, a commercial food processing permit from Bernalillo County Health Protection is required if the product is produced in unincorporated Bernalillo County. For food items produced in City of Albuquerque call 311 and for items produced outside of Bernalillo County or within village of Tijeras or Village of los Ranchos visit this site: [https://www.env.nm.gov/environmental\\_health/](https://www.env.nm.gov/environmental_health/)

**6. Are food handler certification required to produce homemade food?**

Yes, a food handler card must be obtained before producing homemade food.

**7. Where are food handler cards offered?**

A food handler card can be obtained from an approved food handler card vendor. A list of approved vendors can be found here: <https://www.env.nm.gov/foodprogram/food-handler-card/>

**8. What requirement must be maintained when producing and transporting homemade food?**

- Maintain a sanitary kitchen
- Practice good personal hygiene
- Protect kitchen from rodents and pests at all times. Only use pest controls products in accordance with the label and that are approved for food service areas.
- Keep pets and children out of kitchen while in production.
- Store food in a sanitary manner at all times.
- Transport food in a sanitary manner, protecting it from pets, children and other hazards. For example, vehicle compartments used to transport animals must not be used to transport food.

**9. Are there labeling requirements?**

Yes, the following are required:

- 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 in descending order of predominance.
  - All sub-ingredients must 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: “butter (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.”