



New Mexico's **HOMEMADE FOOD ACT** at farmers' markets*

The Homemade Food Act for Processed Food Items- Also known as HB177, the Homemade Food Act was a legislative action made effective July 1, 2021. It was passed to regulate the production and sale of certain homemade food items. The Act aims to support local food entrepreneurship and expand economic opportunities for small-scale producers while ensuring food safety standards are met.

Key Provisions of NM HB177: The Act allows for homemade foods that are non-potentially hazardous to be processed in a home kitchen when it is sold directly to consumers (not wholesale or online). Non-potentially hazardous foods are foods that pose little threat of growing bacteria that can cause food-borne illnesses.

1. Only Non-Potentially Hazardous foods are eligible to be prepared in home kitchens.

Non-potentially hazardous foods include:

- Baked Goods (*not requiring refrigeration to prevent spoiling*)
- Jams & Jellies
- Non-Cream based Candy
- Certain Dry Mixes
- Dried Fruits & Vegetables
- Vinegar & Flavored Vinegar

See further guidelines on back...

*Private farmers' markets and other private venues do not have to allow the sale of these foods. If a market chooses to not allow food items prepared without a permit, they can do so.



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2. All processed foods must be properly labeled to be sold directly to the public with ALL of the information shown below.

A product label must be affixed to a package of a homemade food item when the package is the unit of sale; or on a label affixed to a container when the homemade food item is offered for sale from a bulk container, or on a placard displayed at the point of sale when the homemade food item is neither packaged nor offered for sale from a bulk container.

A seller shall provide the following information about the seller's homemade food items to the consumer:

- Name of the processor of the food item
- Home address of the processor of the food item
- Telephone number of the processor of the food item
- Email address of the processor of the food item
- The common or usual name of the food item
- The ingredients of the food item in descending order of predominance
- The following statement: "This product is home produced and is exempt from state licensing and inspection. This product may contain allergens."

Nana's Whole Wheat Tortillas

Home Produced Food Product

111 Union Square SE, Albuquerque, NM 87120
(505) 000-0000 • contact@nanastortillas.com

Ingredients: Whole wheat flour, water,
vegetable shortening, sugar, salt

Net WT 1 LB (0.45 kg)

This product is home-produced and is exempt from state licensing and inspection. This product may contain allergens.

3. Vendors selling Non-Potentially Hazardous Foods must also have a food handlers card.

The Homemade Food Act also requires food sellers to obtain an NMED-approved food handler card, which can be found at <https://www.env.nm.gov/foodprogram/food-handler-card/>

4. Vendors selling Non-Potentially Hazardous Foods must also follow other sanitary kitchen and transportation rules.

The seller must maintain a sanitary kitchen, practice good hygiene, protect the kitchen from rodents and pests and keep pets, and keep children out of the kitchen while producing food. If the seller transports food items pursuant to the Homemade Food Act, the seller must ensure that the food is transported in a sanitary manner and is protected from pets, children, and other hazards. For example, vehicle compartments used to transport animals must not be used to transport food.

5. The following processed foods are NOT allowed to be prepared in home kitchens and sold at farmer's markets.

Potentially hazardous foods include:

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| • Meat (including Jerky) | • Dairy/Egg based Icings or Fillings | • Custards/Meringues |
| • Poultry | • Low-sugar Jams & Jellies | • Any type of Dressings/Oils |
| • Fish | • Cut Fruits & Vegetables | • Any type of Sauces or Soups |
| • Milk, Cheeses & Creams | • Cut Fruits & Vegetables (fresh, cooked or juice) | • Home Canning & Pickles |
| • Cooked Eggs | | • Salsa |

6. Information for Processors of All Other Foods

Producers of all other types of processed foods such as salsas, canned vegetables, and other low-acid and acidified canned foods must use a certified kitchen to produce their goods. In addition, they must receive a processing permit from the New Mexico Environment Department, pay an annual fee of \$200, be subject to annual inspections, and follow all Food Service and Food Processing Regulations 7.6.2 NMAC. Food processors of these potentially hazardous foods can contact the New Mexico Environment Department office within their county to begin the licensing process.

For More Information: To read HB177 and learn more about food processing and permits for food sale at farmers' markets got to https://www.newmexicofma.org/food_processing_permits.php