

Bernalillo County Home-Based Food Processing Frequently Asked Questions



Do I need a permit to make food for sale to the public in my home?

Permits are required for anyone making food to sell to the public. Home based food processors must obtain a permit and may only sell at growers, markets or other venues in which producers sell directly to the consumer.

What type of food can I make and sell from my home?

Types of foods that may be processed in the home are jams, preserves, jellies, baked goods, and dry mixes. These types of food have an extended shelf life and do not require refrigeration.



Is there anywhere I cannot sell my home based processed foods?

The ordinance prohibits sales of home based processed foods to restaurants and other retail outlets such as grocery stores and internet sales.

Who can be permitted for home based food processing?

Residents in the unincorporated areas of Bernalillo County who meet the requirements in the ordinance can be permitted for home based food processing. If you live outside Bernalillo County, the State of New Mexico Environment Department also has a home based processing permit (505) 222-9500. At this time the City of Albuquerque does not have a home based processing permit for residents living in the city limits.

How do I obtain a permit?

Complete and submit an application along with a kitchen floor plan and operational plan. Training will be provided to help applicants complete the operational plan and understand the ordinance. Once the operational plan submitted has been approved, an inspection is conducted at the home kitchen and the permit will be issued. To obtain a copy of the Operational Plan or Application contact the Health Protection Section (505) 314-0310, or email healthprotection@bernc0.onmicrosoft.com.

Can I use my home equipment to prepare home based prepared food?

Yes, you may use home equipment (non-commercial grade) to process your food. Commercial grade equipment is not allowed.

I am using a private well. Do I have to get it tested?

Private wells must to be tested annually for total nitrates and total coliform by a certified water testing laboratory. A list of laboratories can be obtained from the Natural Resource Services (505) 314-0375. The well must also be permitted by Bernalillo County.

I am using an on-site septic system. Do I have to get it approved?

An approved permitted system is required in Bernalillo County through Natural Resource Services (505) 314-0375.

Can I use homegrown fruits and vegetables?

Yes, only if they are incorporated into the batter of sweetbreads and properly baked, labeled and packaged.. You should take care to thoroughly wash the homegrown produce. The baked goods may not be decorated or garnished with fresh fruits or vegetables. They can also be used for traditional jams, jellies and marmalades made with high acid/low pH fruits. Homegrown fruits and vegetables should not be used in Focaccia or non-sweetbreads.



Can I freeze homegrown produce and use it for making baked goods, like sweet breads, at a later date?

Yes, as long as the frozen fruits or vegetables are incorporated into the batter and properly baked, labeled and packaged. The baked goods may not be decorated or garnished with fresh or frozen fruits or vegetables.

Do I have to put a label on my home based processed foods?

Yes, you are required to label your home based processed foods. The minimum information required must include:

- Name and address of the home based processed food operation.
- Name of the home based food processed product.
- The following statement: "Home Produced Food Product".
- The ingredients of the home based processed food product, in descending order of predominance by weight. If you use a prepared item in your recipe, you must list the sub ingredients as well. For example: just listing "soy sauce" as an ingredient is not acceptable; soy sauce (wheat, soybeans, salt) would be acceptable.
- The net weight or net volume of the home based processed food product (must also include the metric equivalent; conversion charts are available online).
- Allergen labeling as specified in federal labeling requirements.
- 'Best By Date' for quality is recommended but not required.
- Please see the following label as an example.



Hand-printed labels are acceptable if they are clearly legible, written with durable, permanent ink, and printed large enough to read clearly font size 12 or larger is recommended.

Do I have to include my home address on my product labeling or is a post office box sufficient?

You must use the physical address of your home kitchen on your product label, not a post office box. The purpose of including an address on product labels is to be able to locate the business in the event of a recall or trace back associated with a foodborne illness complaint or outbreak.

If I make and sell wedding cakes, how can I meet the labeling requirements when I can't stick a label on the cake?

For wedding cakes, birthday cakes and other specialty cakes that are not easily packaged, you must include all labeling requirements on the invoice and deliver the invoice with the cake. Smaller cakes must be boxed, and the label must be included on the box.



Why can't I sell my home based processed foods to my favorite restaurant or grocery store?

The home kitchen is not routinely inspected, and safe food handling practices are not evaluated by any food safety official. Since the safe food handling practices are not being evaluated, the food is not considered to be an approved source for use in a restaurant or grocery store. Also, it is not possible for the final consumer to discuss your food ingredients and safety practices with you, since you are not selling or serving the product to the consumer.

Can I make home based processed food products in an outbuilding on my property, like a shed or a barn?

Home based processed food products may only be made in your kitchen and stored in your single family domestic residence.

Where can I store ingredients and finished products for my home based processed food business?

Ingredients and finished home based processed food products may be stored in your single family domestic residence where the home based processed food products are made. This includes your kitchen, a spare room or a basement that is free of dampness/water, pests or other insanitary conditions. You may not use a garage, shed, barn or other outbuilding as a storage facility for your home based processed food business.

Can nonprofit organizations produce and sell home based processed foods?

Nonprofits do not have a single family domestic residence and, therefore, do not qualify as a home based processed food business.

Can I sell my home based processed foods over the Internet?

No. While you can advertise your product on the Internet, you cannot take orders over the Internet and then ship directly to consumers. Sales and product delivery must be directly from the producer to the consumer, in a person-to-person transaction, and not delivered by mail.



Can I serve free samples of my home based processed food products?

Yes. As long as your product meets the requirements of the Bernalillo County Ordinance for home based processing and is a non-potentially hazardous food, sampling is allowed. Samples must be pre-packaged in your home kitchen (e.g., if you sample bread, you must cut it in your home kitchen and individually wrap or package the bread samples into sample containers with lids). Although you do not need an individual label for each sample, you must have properly labeled packages of your product on display with the samples so your customer can review the ingredient list. Your product cannot be cooked or prepared in a way that makes it a potentially hazardous food/temperature control for safety food (e.g., you can't add a dried dip mix to sour cream or serve anything that can't be kept safely at room temperature - these examples would require a commercial kitchen based food license).

