

House Agriculture and Water Resources Committee

February 9, 2021

Chairman Lente, Vice Chairwoman Herrera, and Members of the Committee:

My name is Paul Gessing and I am president of New Mexico's free market think tank the Rio Grande Foundation. On behalf of that organization and numerous New Mexicans who could provide additional economic support for their families in these challenging economic times. This legislation, if adopted, would make it easier for New Mexicans to sell homemade foods.

New Mexico's current laws governing the sale of homemade food law is one of the most restrictive and burdensome cottage food laws in the country. HB 177 fixes this and would bring New Mexico up to speed with best practices. Second, there are no safety concerns with the bill as it only applies to safe shelf-stable foods, like baked goods, jams, and roasted coffee beans. Finally, the bill would create hundreds of new home businesses, including for people in need of economic opportunity, such as farmers and women living in rural areas. Now during the pandemic, creating more opportunities for people to work from home is crucial.

Currently, there is no statute that specifically addresses cottage foods. Rules governing cottage food producers are found in New Mexico Food Service and Food Processing Regulations.

These outdated rules only allow sales at farmers' markets, roadside stands, or community events. The rules ban sales from the home and online.

The code also requires a burdensome permit if you want to sell any homemade foods, even a single cookie.

HB 177 would fix these restrictions. HB 177 would allow sales from home and online, which is commonly allowed in other states and has become essential during the pandemic. HB 177 would also allow people to sell homemade food without a permit and without satisfying the permit requirements. This is what most states already allow.

This legislation would allow New Mexicans to join tens of thousands of people already legally sell cottage foods in 49 states that do not require a permit or home inspection. There has not been a single reported instance of foodborne illness from cottage foods sold in any of those states.

New Mexico needs all the jobs and new businesses it can get right now. Allowing thousands of New Mexicans the opportunity to engage in these low-overhead small home businesses would be an important step in the right direction.