

## COTTAGE FOOD LAW REPORT

# Cherokee County

Oklahoma · Tahlequah · FIPS 40021 · Population 49,205 ·  
Crosodo Index #312\*

## STATE BASELINE

2 O.S. §5-4.1 through §5-4.6 (Homemade Food Freedom Act)

## STATE TIER

**Freedom**

## ANNUAL SALES CAP (STATE)

**75000**

## CONFIDENCE

MEDIUM

## LAST VERIFIED

2026-05-06

**IMPORTANT — NOT LEGAL ADVICE**

This report compiles publicly-available statutes, regulations, and county zoning rules into a research reference. It is **not legal advice** and is provided **without warranty** as to accuracy, completeness, or current applicability.

Cottage food law changes frequently. Counties may amend zoning, health departments may issue new permits, and state legislatures may update statutes after the publication date shown above.

**Always verify rules directly with your state department of health/agriculture and your county health and planning offices before relying on them for any business or regulatory decision.** Consult a licensed attorney for advice specific to your situation.

## How to start — 60-second path

Cherokee County, Oklahoma — permit, pickup, and label steps before the full county rules.

HOME KITCHEN ALLOWED?

**Yes**

STATE SALES CAP

**75000**

HOME OCCUPATION PERMIT?

**Varies**

ON-SITE / PORCH PICKUP?

**Yes**

INSPECTION

**No**

PETS

**Not specified in state law; standard sanitation practices apply**

### BEFORE YOU SELL FROM THIS ADDRESS

- ☐ **1. Menu** — Confirm each product under Oklahoma cottage food rules (county cannot expand a state ban).
- ☐ **2. Pickup & zoning** — Home occupation and porch pickup cells above; HOA/lease may still block customer traffic.
- ☐ **3. Local tax / license** — Business license or sales tax certificate if your city/parish requires it (common even with no state food permit).
- ☐ **4. Training** — Food handler or state registration before market day.
- ☐ **5. Labels** — Disclaimer, allergens, ingredients, net quantity, producer info.
- ☐ **6. Call if unclear** — County health and planning for your exact address.

### LABEL FIELDS TO INCLUDE

- ☐ Product name · producer name · address (or allowed alternative)
- ☐ Ingredients by weight · major allergens · net weight/quantity
- ☐ Oklahoma home-kitchen disclaimer (see live label one-pager)

### CONTINUE ONLINE

[Open the live county page →](#)

[Oklahoma label one-pager →](#)

[Local notes & questions →](#)

Planning path only — not legal advice. Rules change. Always verify with state and local offices before selling.

## OKLAHOMA: CHEROKEE COUNTY

CROSODO INDEX #312\* · FIPS 40021 · Tahlequah

## Cherokee County

Population 49,205 · State baseline: 2 O.S. §5-4.1 through §5-4.6 (Homemade Food Freedom Act) ·

MEDIUM

## QUICK VIEW FOR BAKERS IN THIS COUNTY

## HOME KITCHEN ALLOWED?

Yes (Production must occur at producer's primary residence. Annual gross sales cap of \$75,000. Non-TCS foods: no license, inspection, or registration required. TCS foods: must complete approved food safety training (ServSafe or ODAFF-approved, ≤8 hours) before selling. Labeling required on all products (producer name/address, ingredients, allergens, net weight, 'Made in a Home Kitchen - Not Inspected by the Oklahoma Department of Agriculture, Food and Forestry or the Oklahoma State Department of Health'). Voluntary ODAFF registration available (\$15/year).)

## SEPARATE KITCHEN REQUIRED?

No

## PETS ALLOWED?

Not specified in state law; standard sanitation practices apply

## HOME OCCUPATION PERMIT?

Varies (Cherokee County unincorporated areas: no county-wide zoning ordinance identified. City of Tahlequah (county seat) requires a business license and home occupation permit for home-based businesses within city limits. Cherokee Nation tribal land overlaps much of the county; tribal food sovereignty may apply on tribal trust lands. State law (§5-4.6) allows counties to adopt non-conflicting ordinances.)

## ON-SITE / PORCH PICKUP?

Yes

## INSPECTION REQUIRED?

No (No routine inspection. ODAFF may investigate upon complaint of foodborne illness or labeling violation; may request proof of food safety training for TCS food producers)

## Home kitchen rules

## HOME KITCHEN ALLOWED

Yes — Production must occur at producer's primary residence. Annual gross sales cap of \$75,000. Non-TCS foods: no license, inspection, or registration required. TCS foods: must complete approved food safety training (ServSafe or ODAFF-approved, ≤8 hours) before selling. Labeling required on all products (producer name/address, ingredients, allergens, net weight, 'Made in a Home Kitchen - Not Inspected by the Oklahoma Department of Agriculture, Food and Forestry or the Oklahoma State Department of Health'). Voluntary ODAFF registration available (\$15/year).

## SEPARATE DEDICATED KITCHEN

No

## PET RESTRICTIONS

Not specified in state law; standard sanitation practices apply

## WATER SUPPLY

Not specified in state law; standard residential water supply assumed

## HANDWASHING

Not specified in state law beyond standard sanitation practices

## FOOD STORAGE

Not specified in state law; standard food safety practices implied

**Inspection & permitting**

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| INSPECTION REQUIRED    | No — No routine inspection. ODAFF may investigate upon complaint of foodborne illness or labeling violation; may request proof of food safety training for TCS food producers                                                                                                                                                                                                                                             |
| HOME OCCUPATION PERMIT | Varies — Cherokee County unincorporated areas: no county-wide zoning ordinance identified. City of Tahlequah (county seat) requires a business license and home occupation permit for home-based businesses within city limits. Cherokee Nation tribal land overlaps much of the county; tribal food sovereignty may apply on tribal trust lands. State law (§5-4.6) allows counties to adopt non-conflicting ordinances. |
| LOCAL BUSINESS LICENSE | Varies                                                                                                                                                                                                                                                                                                                                                                                                                    |

**Customer-facing rules**

|                         |                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ON-SITE CUSTOMER PICKUP | Yes                                                                                                                                                                                                                                                                                                                                                                                  |
| ON-SITE SIGNAGE         | Conditional                                                                                                                                                                                                                                                                                                                                                                          |
| DELIVERY / PICKUP RULES | Sales allowed on-site (home), by delivery, at farmers markets, through cooperatives, and through membership-based buying clubs. Non-TCS foods may also be sold through third-party retail vendors (grocery stores, farm stands, farmers markets, craft fairs) if vendor displays required allergen/unlicensed disclosure placard. Producer or producer's agent may deliver in-state. |
| MAX EMPLOYEES IN HOME   | No state limit on household members assisting; non-resident hired employees not specifically addressed in HFFA; local home occupation rules may restrict                                                                                                                                                                                                                             |

**Relevant county code**

Not identified; state: 2 O.S. §5-4.1 through §5-4.6

**RESEARCH NOTES**

Oklahoma Homemade Food Freedom Act (HB 1032, 2021) applies statewide. Cherokee County overlaps significantly with the Cherokee Nation Reservation (McGirt v. Oklahoma, 2020 ruling). Home food producers on tribal trust land should consult Cherokee Nation regulations. City of Tahlequah has its own municipal zoning requirements. \$75,000 annual sales cap. TCS foods allowed with food safety training.

**SOURCES VERIFIED AT RESEARCH TIME**

<https://www.cherokeecounty.gov>

<https://oklahoma.gov/health/protective-health/consumer-health-service/food-safety/homemade-food-freedom-act.html>

<https://extension.okstate.edu/fact-sheets/homemade-food-freedom-act-fapc-242>

[https://www.oklegislature.gov/cf\\_pdf/2021-22%20ENR/hB/HB1032%20ENR.PDF](https://www.oklegislature.gov/cf_pdf/2021-22%20ENR/hB/HB1032%20ENR.PDF)

**Questions about this county?** Local notes and a place to leave a question: [crosodo.com/nb/oklahoma/choke-ke-county-discuss](https://crosodo.com/nb/oklahoma/choke-ke-county-discuss)

## Bordering counties — cottage food law

| Regulation                 | Cherokee County                                                                                                                                 | Adair County                                                                                                                                   | Delaware County                                                                                                                                 |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| HOME KITCHEN ALLOWED       | Yes                                                                                                                                             | Yes                                                                                                                                            | Yes                                                                                                                                             |
| SEPARATE DEDICATED KITCHEN | No                                                                                                                                              | No                                                                                                                                             | No                                                                                                                                              |
| PETS ALLOWED               | Not specified in state law; standard sanitation practices apply                                                                                 | No specific pet restriction in Oklahoma Homemade Food Freedom Act.                                                                             | Not specified in state law; standard sanitation practices apply                                                                                 |
| INSPECTION REQUIRED        | No                                                                                                                                              | No                                                                                                                                             | No                                                                                                                                              |
| ON-SITE CUSTOMER PICKUP    | Yes                                                                                                                                             | Conditional                                                                                                                                    | Yes                                                                                                                                             |
| ON-SITE SIGNAGE            | Conditional                                                                                                                                     | Conditional                                                                                                                                    | Conditional                                                                                                                                     |
| DELIVERY / PICKUP          | Sales allowed on-site (home), by delivery, at farmers markets, through cooperatives, and through membership-based buying clubs. Non-TCS foo...  | Oklahoma Homemade Food Freedom Act permits direct and indirect sales (farmers markets, retail stores, online). No restriction on sales chan... | Sales allowed on-site (home), by delivery, at farmers markets, through cooperatives, and through membership-based buying clubs. Non-TCS foo...  |
| HOME OCCUPATION PERMIT     | Varies                                                                                                                                          | Varies                                                                                                                                         | No                                                                                                                                              |
| LOCAL BUSINESS LICENSE     | Varies                                                                                                                                          | Varies                                                                                                                                         | No                                                                                                                                              |
| RESTRICTIONS               | Production must occur at producer's primary residence. Annual gross sales cap of \$75,000. Non-TCS foods: no license, inspection, or registr... | Oklahoma's Homemade Food Freedom Act (HB 1032, eff. Nov. 1, 2021) allows production and sale of homemade food products from a private resid... | Production must occur at producer's primary residence. Annual gross sales cap of \$75,000. Non-TCS foods: no license, inspection, or registr... |
| FOOD STORAGE               | Not specified in state law; standard food safety practices implied                                                                              | Non-TCS shelf-stable foods exempt from licensing. TCS foods permitted with food safety training completion.                                    | Not specified in state law; standard food safety practices implied                                                                              |
| POPULATION                 | 49,205                                                                                                                                          | 19,726                                                                                                                                         | 43,646                                                                                                                                          |

## State context — Oklahoma cottage food law

Cherokee County's rules sit on top of Oklahoma's state cottage food framework. The state law sets the floor — counties can add but cannot remove protections.

|                                                          |                   |
|----------------------------------------------------------|-------------------|
| STATUTE                                                  | ANNUAL SALES CAP  |
| 2 O.S. §5-4.1 through §5-4.6 (Homemade Food Freedom Act) | 75000             |
| REGISTRATION REQUIRED                                    | FOOD HANDLER CERT |
| No                                                       | Recommended       |
| KITCHEN INSPECTION                                       | DIRECT SALES ONLY |
| No                                                       | No                |

### INDIRECT SALES

Limited (see notes) — Sales are permitted on site, by delivery, at farmers markets, through cooperatives, and through membership-based buying clubs. The Oklahoma Department of Agriculture, Food, and Forestry may promulgate rules to allow sales at other locations or by other means. County ordinances may regulate but may not conflict with or impede the Act. For TCS foods, the producer must complete an approved food safety training (e.g., ServSafe Food Handler Training, max 8 hours, available online) before selling.

For the full state-level analysis including the verbatim statute text, see the **Oklahoma cottage food law report** on Crosodo, or open the live guide: [crosodo.com/states/oklahoma](https://crosodo.com/states/oklahoma).

### STATE-LEVEL REFERENCES

State statute: <https://www.oscn.net/applications/oscn/deliverdocument.asp?citeid=478859>

State dept cottage food page: <https://oklahoma.gov/health/protective-health/consumer-health-service/food-safety/homemade-food-freedom-act.html>

Forrager.com: <https://forrager.com/law/oklahoma/>

**Questions about Cherokee County?** Local notes and a place to leave a question are on Crosodo. We monitor new threads — start with zoning, permits, or porch pickup.

[crosodo.com/nb/oklahoma/cherokee-county-discuss](https://crosodo.com/nb/oklahoma/cherokee-county-discuss)

## Classifieds

Resources for cottage food & home bakers · [crosodo.com/advertise](https://crosodo.com/advertise)

### NATIONAL

#### SUPPLIES

##### Advertise here — Supplies

Reach home bakers across the country. [crosodo.com/advertise](https://crosodo.com/advertise)

#### COURSES

##### Advertise here — Courses

Reach home bakers across the country. [crosodo.com/advertise](https://crosodo.com/advertise)

#### INSURANCE

##### Advertise here — Insurance

Reach home bakers across the country. [crosodo.com/advertise](https://crosodo.com/advertise)

### LOCAL

#### Advertise here

Reach home bakers in Cherokee County, Oklahoma. Supply stores, farmers markets, kitchen rentals, and bakery services welcome.

[crosodo.com/advertise](https://crosodo.com/advertise)

#### Your business here

Local cottage food listings, kitchen rentals, co-packer referrals, and community events — post yours on Crosodo.

[crosodo.com/nb/oklahoma/cherokee-county-discuss](https://crosodo.com/nb/oklahoma/cherokee-county-discuss)

#### Free ad space available

Let us know if you're a non-profit or community organization. Farmers markets, kitchen rentals, and cottage food events near you welcome.

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