

COTTAGE FOOD LAW REPORT

Delaware County

Oklahoma · Jay · FIPS 40041 · Population 43,646 · Crosodo
Index #7*

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

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

HOME KITCHEN ALLOWED?

Yes

STATE SALES CAP

75000

HOME OCCUPATION PERMIT?

No

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: DELAWARE COUNTY

CROSODO INDEX #7* · FIPS 40041 · Jay

Delaware County

Population 43,646 · 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?

No (Delaware County is largely rural with no county-wide zoning. No county-level home occupation permit identified for unincorporated areas. The City of Jay (county seat) is small; most of the county is unincorporated and not subject to zoning. 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	No — Delaware County is largely rural with no county-wide zoning. No county-level home occupation permit identified for unincorporated areas. The City of Jay (county seat) is small; most of the county is unincorporated and not subject to zoning. State law (§5-4.6) allows counties to adopt non-conflicting ordinances.
LOCAL BUSINESS LICENSE	No

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. Delaware County is a rural NE Oklahoma county bordering Missouri and Arkansas, with significant Cherokee Nation reservation overlap (McGirt ruling). No county-level zoning or cottage food overlay identified. \$75,000 annual sales cap. TCS foods allowed with food safety training.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.delawarecounty.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

Questions about this county? Local notes and a place to leave a question: crosodo.com/nb/oklahoma/delaware-county-discuss

Bordering counties — cottage food law

Regulation	Delaware County	Adair County	Cherokee 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	No	Varies	Varies
LOCAL BUSINESS LICENSE	No	Varies	Varies
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	43,646	19,726	49,205

State context — Oklahoma cottage food law

Delaware 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.

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 Delaware 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/delaware-county-discuss

Classifieds

Resources for cottage food & home bakers · crosodo.com/advertise

NATIONAL

SUPPLIES

Advertise here — Supplies

Reach home bakers across the country. crosodo.com/advertise

COURSES

Advertise here — Courses

Reach home bakers across the country. crosodo.com/advertise

INSURANCE

Advertise here — Insurance

Reach home bakers across the country. crosodo.com/advertise

LOCAL

Advertise here

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

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/delaware-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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