

COTTAGE FOOD LAW REPORT

Atoka County

Oklahoma · Atoka · FIPS 40005 · Population 14,600 ·
Crosodo Index #558*

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.

OKLAHOMA: ATOKA COUNTY

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Population 14,600 · 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 (Oklahoma’s Homemade Food Freedom Act (HB 1032, eff. Nov. 1, 2021) allows production and sale of homemade food products from a private residence. Gross annual sales cap of \$75,000. No license or inspection required for qualifying home food establishments. Products must not contain seafood, meat, poultry, alcoholic beverages, unpasteurized milk, or cannabis products. TCS (time-or-temperature-controlled-for-safety) foods require completion of a food safety training program. Labeling must include producer name/phone, physical address, product description, ingredients, allergens, and the statement ‘This product was produced in a private residence that is exempt from government licensing and inspection.’ Local ordinances, Tax Commission, and FDA rules may also apply.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific pet restriction in Oklahoma Homemade Food Freedom Act.

HOME OCCUPATION PERMIT?

Varies (No state food license required for qualifying home food establishments. Atoka County is a rural county in southeast Oklahoma; county-level zoning in unincorporated areas may apply. Contact Atoka County Clerk in Atoka for local zoning requirements.)

ON-SITE / PORCH PICKUP?

Conditional

INSPECTION REQUIRED?

No (No routine inspection; home food establishments with under \$75,000 gross annual sales are exempt from OSDH licensure.)

Home kitchen rules

HOME KITCHEN ALLOWED

Yes — Oklahoma’s Homemade Food Freedom Act (HB 1032, eff. Nov. 1, 2021) allows production and sale of homemade food products from a private residence. Gross annual sales cap of \$75,000. No license or inspection required for qualifying home food establishments. Products must not contain seafood, meat, poultry, alcoholic beverages, unpasteurized milk, or cannabis products. TCS (time-or-temperature-controlled-for-safety) foods require completion of a food safety training program. Labeling must include producer name/phone, physical address, product description, ingredients, allergens, and the statement ‘This product was produced in a private residence that is exempt from government licensing and inspection.’ Local ordinances, Tax Commission, and FDA rules may also apply.

SEPARATE DEDICATED KITCHEN

No

PET RESTRICTIONS

No specific pet restriction in Oklahoma Homemade Food Freedom Act.

WATER SUPPLY

No specific water testing requirement in Oklahoma Homemade Food Freedom Act.

HANDWASHING

No specific statutory handwashing mandate beyond food safety training for TCS foods.

FOOD STORAGE

Non-TCS shelf-stable foods exempt from licensing. TCS foods permitted with food safety training completion.

Inspection & permitting

INSPECTION REQUIRED	No — No routine inspection; home food establishments with under \$75,000 gross annual sales are exempt from OSDH licensure.
HOME OCCUPATION PERMIT	Varies — No state food license required for qualifying home food establishments. Atoka County is a rural county in southeast Oklahoma; county-level zoning in unincorporated areas may apply. Contact Atoka County Clerk in Atoka for local zoning requirements.
LOCAL BUSINESS LICENSE	Varies

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Conditional
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Oklahoma Homemade Food Freedom Act permits direct and indirect sales (farmers markets, retail stores, online). No restriction on sales channels beyond the \$75,000 annual gross cap. Local ordinances may apply.
MAX EMPLOYEES IN HOME	Not specified in state statute.

Relevant county code

No county-specific cottage food ordinance identified. State law (2 O.S. §§5-4.1 through 5-4.6) governs. Local zoning may apply in unincorporated areas.

RESEARCH NOTES

Atoka County is a rural county in southeast Oklahoma (Choctaw Nation area). Oklahoma’s Homemade Food Freedom Act is one of the most permissive in the nation: broad food categories, \$75,000 annual cap, no license, indirect sales allowed. No county-specific ordinance found. Defaulted to Oklahoma state baseline at medium confidence.

SOURCES VERIFIED AT RESEARCH TIME

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

<https://occhd.org/homemadefoodfreedomact>

Questions? Join the Crosodo Forum to discuss your county’s specific zoning rules at <https://crosodo.com/nb/oklahoma/atoka-county-discuss>

Bordering counties — cottage food law

Regulation	Atoka County	Bryan County	Choctaw County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific pet restriction in Oklahoma Homemade Food Freedom Act.	Not specified in state law; standard sanitation practices apply	Not specified in state law; standard sanitation practices apply
INSPECTION REQUIRED	No	No	No
ON-SITE CUSTOMER PICKUP	Conditional	Yes	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	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...	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	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...	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	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	Not specified in state law; standard food safety practices implied
POPULATION	14,117	48,678	14,672

State context — Oklahoma cottage food law

Atoka 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](#).

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?

Join the Crosodo Forum to discuss Atoka County's specific zoning rules, permits, and what other home bakers are seeing locally.

<https://crosodo.com/nb/oklahoma/atoka-county-discuss>
