

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.

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

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](#).

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 Cherokee County's specific zoning rules, permits, and what other home bakers are seeing locally.

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