

## COTTAGE FOOD LAW REPORT

# McIntosh County

Oklahoma · Eufaula · FIPS 40091 · Population 19,672 ·  
Crosodo Index #26\*

## 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: MCINTOSH COUNTY

CROSODO INDEX #26\* · FIPS 40091 · Eufaula

# McIntosh County

Population 19,672 · 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 (McIntosh County is a rural county with no identified county-wide zoning ordinance for unincorporated areas. The City of Eufaula (county seat) may require a business license and home occupation permit for businesses within city limits. 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 — McIntosh County is a rural county with no identified county-wide zoning ordinance for unincorporated areas. The City of Eufaula (county seat) may require a business license and home occupation permit for businesses within city limits. 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. McIntosh County is a predominantly rural county. No county-level zoning ordinance or cottage food overlay identified for unincorporated areas. The City of Eufaula and any incorporated municipalities within the county have their own municipal zoning requirements that supersede county rules within city limits. State law expressly prohibits county ordinances from conflicting with or restricting the HFFA (2 O.S. §5-4.6). \ \$75,000 annual sales cap. TCS foods allowed with food safety training (ServSafe or equivalent).

#### 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](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/mcintosh-county-discuss>

## State context — Oklahoma cottage food law

McIntosh 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.

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

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For the full state-level analysis including the verbatim statute text, see the [Oklahoma cottage food law report](#).

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### 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/>

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## Questions?

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

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

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