

A close-up photograph of a woven wicker basket filled with several eggs. The basket is placed on a dark, weathered wooden surface. The eggs are a mix of white and light brown. The lighting is soft, highlighting the texture of the basket and the smooth surface of the eggs. The background is slightly blurred, emphasizing the basket and its contents.

Bringing Farm to Market:

What to know before selling your fresh produce, dairy, eggs, meats, baked items, and processed foods.

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Acronyms: OAC – Oklahoma Administrative Code
ODAFF – Oklahoma Department of Agriculture, Food and Forestry
OSDH – Oklahoma State Department of Health

Q Can I advertise that my products are organic?

Answer: To claim that your product is organic, you must be certified by the USDA Organic program.

The use of the word “organic” is regulated by federal law. ODAFF can certify your farm or products as certified USDA Organic. This will allow you to call your products “organic” and use the USDA Organic seal.

Credentials: Organic Certificate
Link: bit.ly/OKOrganicProducts

Q Can I sell mushrooms?

Answer: Yes, but with some food safety guidelines.

Raw mushrooms are considered fresh produce and follow the same rules as produce. They can be sold whole and uncut without any licensing.

If you are packaging mushrooms, do not package them in an airtight container. In an airtight container, there is a potential for botulinum toxin to develop. Don't wash them or they will begin to rot.

Q What are the requirements for selling fresh fruits and vegetables at farmers markets?

Note: There are no licensing requirements for farmers selling fresh, whole, uncut fruits and vegetables at a farmers market in Oklahoma.

Note: If you are selling more than \$25,000 in annual produce, there are some rules.

Highlights: Selling more than \$25,000 in average annual produce sales requires registering your farm with the ODAFF Produce Safety Program.

Cost: None

Credentials: ODAFF Produce Safety Program

Link: bit.ly/ProduceSurvey

Q Can I sell microgreens or wheatgrass?

Answer: Yes, but with some food safety guidelines.

Yes, microgreens and wheatgrass that is grown in a soil or substrate and harvested above the soil line are produce and not sprouts. You can sell the harvested leaves of microgreens, or it is also common for them to be sold unharvested in a tray growing in soil/substrate for the consumer to harvest them.

Unharvested microgreens should be transported and sold in a tray and not in a bag to prevent the water and soil from contaminating the leaves.

Microgreens are different from sprouts as they are harvested above the soil line typically after the emergence of “true” leaves. With sprouts, the entire product is eaten, including the root.



Q Can I sell raw milk from my farm?

Answer: Yes, but only from the farm.

Highlights: There are two ways to sell: Incidental Sales and Raw Milk Distributors Permit.

Documentation: Oklahoma Milk and Milk Products Act

Incidental Sales

Highlights: Raw goat milk is allowed if the average monthly amount does not exceed 100 gallons.

Milk from all other animals must remain “incidental” in intent and advertising of such is considered beyond incidental.

Credentials: None

Link: bit.ly/StatuteMilkProducts

Raw Milk Distributer Permit

Highlights: A permit allows raw milk sales beyond incidental to the end consumer as long as the milk is sold from the farm where it was produced.

Cost: One cent per 100 pounds of raw milk produced and one cent per 100 pounds of raw milk offered for sale.

Credentials: Raw Milk Distributers Permit obtained from ODAFF Dairy Services

Link: bit.ly/StatuteMilkPermits

Link: bit.ly/SellMilkProducts

Link: bit.ly/StatuteRawMilk

Q Can I sell processed milk from my farm?

Answer: Yes, just as long as you follow the rules.

Documentation: Oklahoma Milk and Milk Products Act

Highlights: Milk must be processed in a permitted facility.

Cost: One cent per 100 pounds of milk or milk products processed and offered for sale.

Credentials: The processor must obtain a permit from ODAFF Dairy Services



Q Can I sell raw milk at farmers markets?

Answer: No, only processed milk and milk products from a permitted facility may be sold at farmers markets.

Documentation: Oklahoma Milk and Milk Products Act

Link: bit.ly/SellMilkProducts

Q Can I sell processed milk at farmers markets?

Answer: Yes, but you must follow the rules.

Documentation: Oklahoma Milk and Milk Products Act

Highlights: The same requirements and costs apply as if you were selling from the farm, but you also need credentials from the OSDH.

Credentials: If selling from a farmers market, Mobile Retail Food Establishment Credentials from OSDH is required

Cost: \$425 one-time plan review fee, \$425 credential fee, \$325 annual renewal fee

Link: bit.ly/MobileFoodEst

Q Can I sell honey?

Answer: Yes, but there are rules you must follow.

Documentation: Oklahoma Honey Sales Act

Highlights: Under 500 gallons is exempt from inspection, hives must be in Oklahoma, follow labelling rules, can be sold from farm, farmers market, festival, roadside stand, online, or retail.

Cost: None

Credentials: None

Link: bit.ly/RegulationExemption



Q Can I sell eggs at farmers markets?

Answer: Yes, but you must follow a few rules.

Documentation: Oklahoma Egg Law

Highlights: Display credentials, store and label properly

Cost: For under 5,000 dozen, \$35 application fee plus \$15 annual inspection fee

Credentials: Oklahoma Egg Packer

Link: bit.ly/ODAFFpoultryproduct

Link: bit.ly/ODAFFeggpackerprocessor

Q Can I sell eggs from my farm?

Answer: Yes, and you don't even need credentials to do it.

Documentation: Oklahoma Egg Law

Highlights: Eggs must be from chickens raised on the property. No delivery allowed.

Cost: None

Credentials: None

Link: bit.ly/ODAFFpoultryproduct

Q Can I sell meat at farmers markets?

Answer: Yes, but you must follow a few rules.

Documentation: Oklahoma Meat Inspection Act and OAC 310:257

Highlights: Meat must be processed in a state- or federally-inspected facility – this includes a registered mobile unit, must be stored and labeled properly.

Cost: \$425 one-time plan review fee, \$425 credentials fee, \$325 annual renewal fee

Credentials: Certificate of Registration for Distributors, Meat Brokers and Public Warehousemen from ODAFF, and Mobile Retail Food Establishment Credential from OSDH

Link: bit.ly/StateStatuteAnimalInspection

Link: bit.ly/ODAFFMeatInspection

Link: bit.ly/MobileFoodEst

Q Can I sell poultry meat at farmers markets?

Answer: Yes, but you must follow a few rules.

Documentation: Oklahoma Poultry Inspection Act, ODAFF Poultry Rules, and OAC 310:257

Highlights: Poultry can come from a state- or federally-inspected establishment or from a licensed, approved producer who uses the 2,500 turkey or 10,000 chicken exemption and has products properly labeled – this includes a registered mobile unit, must be stored and labeled properly

Cost: OSHD \$425 one-time plan review fee, \$425 credentials fee, \$325 annual renewal fee

Credentials: Certificate of Registration for Distributors, Meat Brokers and Public Warehousemen from ODAFF, Certificate of Registration for Farm Poultry Slaughter Operation from ODAFF, and Mobile Retail Food Establishment Credential from OSDH

Link: bit.ly/StateStatuteAnimalInspection

Link: bit.ly/ODAFFMeatInspection

Link: bit.ly/FoodSafetyPoultry

Link: bit.ly/MobileFoodEst

Q Can I sell meat from my farm?

Answer: Yes, however this answer is a bit complicated. Poultry that has been processed on the farm can be sold if it meets certain requirements.

Documentation: Oklahoma Poultry Products Inspection Act

Highlights: Annual slaughter of less than 250 turkeys or the equivalent (1,000 chickens), can only be sold to individuals – no restaurants. Annual slaughter of less than 2,500 turkeys or the equivalent (10,000 chickens) can be sold in commerce (restaurants, grocery stores, farmers' markets) if the producer is registered and approved by ODAFF and correctly labels the product, and stored and labeled properly.

Cost: None

Credentials: Certificate of Registration for Farm Poultry Slaughter Operations and Certificate of Registration for Distributors, Meat Brokers and Public Warehousemen from ODAFF

Link: bit.ly/FoodSafetyPoultry

Answer: Meat and poultry that has been processed in a state- or federally-inspected facility can be sold.

Documentation: Oklahoma Meat Inspections Act

Highlights: Must be stored and labeled properly.

Cost: None

Credentials: Certificate of Registration for Distributors, Meat Brokers and Public Warehousemen from ODAFF



Homemade Food Freedom Act Information

Q What foods can I sell under the Act?

Many foods can now be sold, depending on their designation as a time-or-temperature-controlled for safety (TCS) product. No products containing meat, poultry, seafood, unpasteurized milk, cannabis, or alcoholic beverages can be sold.

Examples of typical Non-TCS products: Breads, cookies, fudge, donuts, scones, candies, tarts, tortillas, granola, processed nuts & nut butters, popcorn, dry mixes, jams/jellies following the “The Ball Blue Book of Canning and Preserving” or the USDA-National Center for Home Food Preservation.

Note: Factors that determine if a food is non-TCS is if they have a pH of 4.6 or below or a water activity value of 0.85 or less. This can be determined by testing the food at a laboratory.

Examples of typical TCS products permitted by the Act: Any food requiring refrigeration, perishable baked goods, cakes/pies with custard filling, pumpkin and pecan pie, sauces, butters, ice cream, cheese, cooked pasta, cooked eggs, some processed fruits & vegetables, cooked beans, rice, and potatoes.

Q Where can I sell my product?

Sale of Non-TCS food: Direct to consumer, by internet, and in retail venues like grocery stores and restaurants.

Note: Homemade foods cannot be sold across state lines, even if sold online and shipped.

Sale of TCS food: Direct to consumer (this would include a farmers’ market as long as producer is the one selling). The producer must have food safety training approved by ODAFF.

Resale of Non-TCS food sales: Direct to consumer, by internet, and in retail venues.

Note: Resellers will almost always require a foodservice license to sell food regardless of source. They must have a placard where products are displayed for sale that states “This product was produced in a private residence that is exempt from government licensing and inspection. This product may contain allergens.”

Resale of TCS food sales: Not allowed via 3rd party.

Q What are the label and consumer advisory requirements?

Labeling (Producer): The items listed in the section below under “Product Label requirements” on the package, on the bulk container (if applicable), on a placard if not packaged, or on a webpage if sold online.

Labeling (Reseller): Placard at point of sale or as a consumer advisory on a menu if used as ingredient that states: “This product was produced in a private residence that is exempt from government licensing and inspection.”

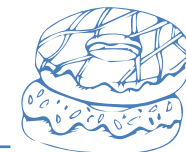
Product Label Requirements:

- Name and phone number of the producer
- Physical address where the product was produced
- Description of the product (ex. Joe’s Salsa)
- Ingredients in descending order of proportion
- A statement indicating the presence of any of the nine most common allergens, including milk, eggs, peanuts, tree nuts, soy, wheat, fish, crustacean shellfish, and sesame.
- Legible print stating, “This product was produced in a private residence that is exempt from government licensing and inspection.”

Q What happens if I do not follow the Act?

Penalties: ODAFF may issue fines up to \$300 for non-compliance. Continued non-compliance may result in referral to OSDH as an unlicensed Food Establishment.

Oklahoma State Department of Health will investigate any reported foodborne illness.



Q Can I offer samples of products or a food demonstration at farmers markets?

Answer: Yes, just follow a few simple rules.

Documentation: OSDH Food Establishments (OAC 310:257)

Highlights: Hand sink or hand washing station must be conveniently located, sneeze guards must be present, temperature-controlled is mandatory if necessary for the type of food, individual portion containers must be used.

Cost: None

Credentials: None, as long as food is not being sold in conjunction with the sample. If food is being sold, a food establishment license must be obtained.

Link: bit.ly/FoodSampling

Q Can I have a concession stand or serve dinner on my farm?

Answer: Yes, but you must have credentials if you are selling anything other than items that fall under the Homemade Food Freedom Act of 2021.

Documentation: OSDH, Food Establishments (OAC 310:257)

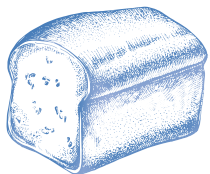
Highlights: Requirements for equipment and facility may vary depending on what food you want to sell or serve.

Cost: \$425 one-time plan review fee, \$425 credential fee, \$375 annual renewal fee

Credentials: Food Establishment License

Link to Regulation: bit.ly/FoodEstLicense

Link to Credential Information: bit.ly/OSHDFood



Q Can I sell homemade food such as: baked goods, pickles, or jelly at farmers markets or from my home?

Answer: Yes, many items are now allowed under the Homemade Food Freedom Act. See previous pages for more information.

Documentation: Homemade Food Freedom Act 2021

Highlights: Food cannot contain meat, seafood, cannabis, unpasteurized milk or be an alcoholic beverage, producer cannot have more than \$75,000 in gross annual sales, must be labeled properly.

Cost: None

Credentials: If making time-or -temperature-controlled for safety foods, must have ServSafe Food Handler or other training recognized by ODAFF.

Link: bit.ly/HomemadeFoodFreedom

(click “Next Section” to read through the statute)



Important Contacts:

Oklahoma State Department of Health

Phillip Jurina
Administrative Programs Manager
Consumer Protection Division
Oklahoma State Department of Health
phillipj@health.ok.gov

Oklahoma Department of Agriculture, Food and Forestry

Meat:

Thomas Stephens
Meat and Poultry Inspection
Section Supervisor
405-522-6114
thomas.stephens@ag.ok.gov

Milk:

Pete Echelle
Dairy Section Supervisor
405-522-6130
pete.echelle@ag.ok.gov

Eggs and Organics:

Bryan Buchwald
Poultry, Organic, Produce
and Egg Section Supervisor
405-522-5898
bryan.buchwald@ag.ok.gov

Produce and Homemade Foods:

Justin McConaghy
Produce Safety and Cottage Food Coordinator
405-522-3928
justin.mcconaghy@ag.ok.gov

Disclaimer: This document highlights only state guidelines. There are some cities and counties in Oklahoma that require additional health department credentials or have extended regulations concerning these subjects. Always check with your city/county health department before selling affected products. This document was approved as accurate on April 1, 2022, by the Oklahoma Department of Agriculture, Food and Forestry.