

# Bringing Farm to Market:

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



# Bringing Farm to Market:

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

**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](http://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. As long as you are selling your own products.

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](https://bit.ly/ProduceSurvey)

## Q Can I sell microgreens or wheatgrass?

Answer: Yes, but with some food safety guidelines.

Microgreens and wheatgrass that is grown in a soil or substrate and harvested above the soil line are considered produce and follow the rules above. Can also be sold unharvested in a tray growing in soil/substrate for the consumer to harvest themselves.

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.

What are sprouts?

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.

Register as a produce farm using the produce survey link. Sprout farms that sell more than is allowed for an exemption will have to take a special class and be inspected by FDA.



---

## 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](http://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](http://bit.ly/StatuteMilkPermits)

**Link:** [bit.ly/SellMilkProducts](http://bit.ly/SellMilkProducts)

**Link:** [bit.ly/StatuteRawMilk](http://bit.ly/StatuteRawMilk)

## Q Can I sell processed milk from my farm?

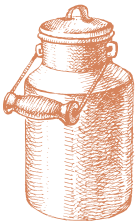
Answer: Yes, just as long as you follow the rules.

**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





## 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](https://bit.ly/SellMilkProducts)



## 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/MobileFoodRules](https://bit.ly/MobileFoodRules)



## 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](https://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](http://bit.ly/ODAFFpoultryproduct)

**Link:** [bit.ly/ODAFFeggpacker](http://bit.ly/ODAFFeggpacker)

## 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](http://bit.ly/ODAFFpoultryproduct)

## Q Can I sell poultry 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 from the farm – no wholesale.

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 "not under inspection", and stored frozen, kept frozen, 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/PoultryFoodSafety](http://bit.ly/PoultryFoodSafety)

**Link:** [bit.ly/PoultrySlaughterApp](http://bit.ly/PoultrySlaughterApp)





## 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, must be stored frozen, kept frozen, and labeled properly.

**Cost:** None

**Credentials:** Certificate of Registration for Distributors, Meat Brokers, Farmers Market Hubs, and Public Warehousemen from ODAFF

**Link:** [bit.ly/StateStatuteAnimalInspection](http://bit.ly/StateStatuteAnimalInspection)

**Link:** [bit.ly/ODAFFMeatInspection](http://bit.ly/ODAFFMeatInspection)

**Link:** [bit.ly/MeatBrokerDistributor](http://bit.ly/MeatBrokerDistributor)



## 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 must 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.

Must have products properly labeled “not under inspection”, must be stored frozen, kept frozen, and labeled properly.

**Cost:** None

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

**Link:** [bit.ly/StateStatuteAnimalInspection](http://bit.ly/StateStatuteAnimalInspection)

**Link:** [bit.ly/ODAFFMeatInspection](http://bit.ly/ODAFFMeatInspection)

**Link:** [bit.ly/FoodSafetyPoultry](http://bit.ly/FoodSafetyPoultry)

**Link:** [bit.ly/MeatBrokerDistributor](http://bit.ly/MeatBrokerDistributor)

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

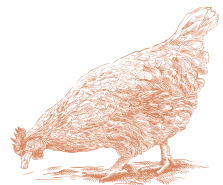
**Documentation:** Oklahoma Meat Inspections Act

**Highlights:** Must be must be stored frozen, kept frozen, and labeled properly.

**Cost:** None

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

**Link:** [bit.ly/MeatBrokerDistributor](http://bit.ly/MeatBrokerDistributor)



# Homemade Food Freedom Act

## 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.

Link: <https://bit.ly/OSUHFFA>

## 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. Producer must be present at farm hub.

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 or farmers market hub.



# 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.”

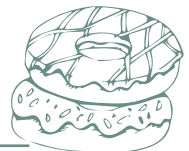
## Product Label Requirements:

- 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.”
- After Nov. 1, 2024 you will have the option to register your business with ODAFF and use a registration number instead of placing your name, phone number, and address on the label.

# 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.



# Homemade Food Freedom Act

## 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: It is preferred you pre-make the samples at home and place them in individual containers. Keep the food temperature controlled, if necessary for the type of food, and keep all samples covered to prevent flies, dust, and other contaminants. The goal is to prevent food handling at the market unless you have a handwashing station conveniently located.

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/FoodSamplingRecs](https://bit.ly/FoodSamplingRecs)

## 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)

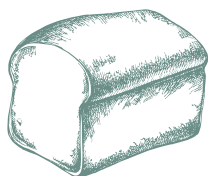
Highlights: Requirements for equipment and facility may vary depending on what food you want to sell or serve.

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

Credentials: Food Establishment License

Link to Regulation: [bit.ly/FoodEstLicense](https://bit.ly/FoodEstLicense)

Link to Credential Information: [bit.ly/OSHDFood](https://bit.ly/OSHDFood)



# 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 Administrator  
405-522-6130  
pete.echelle@ag.ok.gov

### Eggs and Organics:

Bryan Buchwald  
Poultry, Egg, Produce, and Organic Program Administrator  
405-522-5924  
bryan.buchwald@ag.ok.gov

### Produce and Homemade Foods:

Justin McConaghy  
Produce Program Coordinator - Homemade Food Freedom Act  
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, 2024, by the Oklahoma Department of Agriculture, Food and Forestry.