



EXTENSION

FAPC-242

Homemade Food Freedom Act: House Bill No. 1032 - Replaces the Home Bakery Act of 2013 and 2017

January 2025

Prior to November of 2013, all food sold to consumers in the state of Oklahoma was required to be manufactured in a facility inspected by the Oklahoma Department of Health. The passage of the Oklahoma Home Bakery Act of 2013 changed this, making it legal to prepare baked goods in an uninspected home kitchen and sell the goods from the homeowner’s premises. This act was amended in 2017, allowing home-baked bakery items to be sold off-premises in select locations. The passage of the 2021 HB 1032—Homemade Food Freedom Act replaced the 2013 and 2017 Oklahoma Home Bakery Acts, permitting a broad range of food products to be sold out of the home.



Figure 1. Canning permissible foods.

Who is allowed to participate?

According to HB 1032, a “producer” is a person who produces a homemade food product in a home food establishment. A producer can be any age and citizenship as long as they have a home or dwelling in Oklahoma in which to live and safely produce a qualified food.

What foods are allowed to be sold?

It is probably easier to explain what is NOT allowed than what is! The Homemade Food Freedom Act (HFFA) allows the sale of many different types of food and drink products, but to do so there are some requirements to be met.

Table 1. Food/drinks that **ARE NOT** permissible for sale.

ITEM	EXPLANATION
Meat	beef, pork, lamb, wild game, snakes, etc.
Meat byproducts	Lard, pigskins, ears, feet, homemade lard, homemade broth, homemade tallow, etc. Lard, broth and tallow cannot be used as an ingredient.
Poultry	Chicken; turkey; wild-game birds, etc.

Poultry byproducts	Example: feet, gizzards, etc. Commercially available chicken broth or bullion without the USDA symbol are allowed to be used as an ingredient.
Seafood	Shrimp, oysters, clams, lobster, salmon, tuna, etc.
Freshwater fish	Catfish, bass, trout, etc.
Casseroles, empanadas, kolaches, fried pies, tamales, etc.	Only those foods that contain meat, poultry, seafood or fish as ingredients are not permissible for sale.
Eggs	Eggs in the shell are sold under the Oklahoma Egg Law. Eggs can be used as an ingredient.
Fresh, whole, unprocessed fruit	Example: whole apple These would be considered a farm product. Fruit, fresh or processed in any way, can be used as an ingredient.
Fresh, whole, unprocessed vegetables	Example: whole carrot These would be considered a farm product. Vegetables, fresh or processed in any way, can be used as an ingredient.
Fresh, whole, unprocessed nuts	Example: peanuts in the shell. These would be considered a farm product. Nuts, fresh or processed in any way, can be used as an ingredient.
Pasteurized milk and milk products	Must be sold under dairy products inspection. Commercially available pasteurized milk and milk products can be used as an ingredient.
Unpasteurized milk and milk products	Unpasteurized milk must be sold from the farm as a farm product. Unpasteurized milk and milk products cannot be used as an ingredient.
Cannabis and marijuana	Examples: CBD, all types of THC, and hemp No products containing cannabis or marijuana are allowed to be sold.
Alcohol	Items are not allowed to be sold if they contain alcohol. Flavor extracts can be used as an ingredient. Examples: wine, beer, extracts, baked goods with alcohol added after baking. Foods/beverages with less than 0.5% alcohol (like kombucha) are allowed.
Pet foods and treats	These are sold under the Oklahoma Department of Agriculture, Food and Forestry – Consumer Protection Service Regulations.

Food/drinks that ARE permissible for sale:

State and federal food regulations divide food/beverages into two groups, with different food safety and handling requirements – **Non-time-or-temperature-controlled** and **Time-or-temperature-controlled**. Both of these types of foods are allowed in the new act but have different stipulations.

Non-time-or-temperature-controlled for safety: food that does not require time or temperature control for safety to limit the rapid and progressive growth of infectious or toxigenic microorganisms, including foods that have a pH level of 4.6 or below or a water activity value of 0.85 or less.

Table 2. Food and drinks permissible for sale

<p>Examples (not a complete list of what is allowed)</p>	<p>Candies; tarts; tortillas; honey¹; trail mix; granola; further processed nuts and nut butters; popcorn; dry mixes; dry pasta; fruit jams and jellies that follow the “The Ball Blue Book of Canning and Preserving”² and the USDA-National Center for Home Food Preservation (NCHFP)³. Breads and sweet breads; cookies; brownies and fudge; donuts; muffins; scones; cakes with hard icings or frostings; fruit pies with fruit and sugar fillings; most fermented and pickled foods; salsas; most processed fruits; most fruit juices; roasted coffee beans; non-alcoholic drinks like plain seltzer; soda pop; coffee.⁴</p>
<p>Placard</p>	<p>If selling food through a third-party vendor [A person or entity with permission to sell products on someone else’s behalf.], a placard must be visible where the homemade food products are displayed with the following disclosure:</p> <p>“This product was produced in a private residence that is exempt from government licensing and inspection. This product may contain allergens.”</p>
<p>Sales</p>	<p>Sales shall only occur within the State of Oklahoma.</p> <ul style="list-style-type: none"> • by the producer directly to the consumer, either in person or by remote means, including, but not limited to, the internet or telephone <p>or</p> <ul style="list-style-type: none"> • by a producer’s designated agent or a third-party vendor, such as a retail or grocery store, farm, farm stand, farmers market, membership-based buying club, craft fair or flea market, to the consumer; provided, the third-party vendor displays a placard where homemade food products are displayed for sale.
<p>Delivery</p>	<ul style="list-style-type: none"> • only within the State of Oklahoma • by the producer or producer’s designated agent directly to the consumer or third-party vendor, <p>or</p> <ul style="list-style-type: none"> • by a third-party vendor or a third-party carrier, such as a parcel delivery service, to the consumer or a third-party vendor
<p>¹ Honey sold under the HFFA allows for flavored or blended honeys (not pure honey but blended with another sweetener) and honey collected from out-of-state hives. Honey (honey, honeycomb or combination of) that is raw, unadulterated and from Oklahoma hives producing less than 500 gallons, would be sold under the Honey Sales Act.</p> <p>² The Ball Blue Book of Canning and Preserving by Ball Home Canning Test Kitchen. ISBN-13: 978-0-8487-4678-0</p> <p>³ USDA-National Center for Home Food Preservation publications https://nchfp.uga.edu/resources/category/usda-guide</p>	

Time-or-temperature-controlled for safety (TCS):

Food that requires time or temperature control for safety to limit infectious or toxigenic microorganisms and is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; provided however, time-or-temperature-controlled for safety shall not include foods that have pH level of 4.6 or below or a water activity value of 0.85 or less. A list of labs in Oklahoma that can provide food testing is available upon request at fapc@okstate.edu.

Table 2. Food that requires refrigeration.

<p>Examples (not a complete list of what is allowed)</p>	<p>Any food that requires refrigeration; perishable baked goods; cakes with custard filling; custard or meringue pies; cheesecake; pumpkin, sweet potato and pecan pie; sauces; butters; ice cream; cheese; cooked pasta; cooked eggs; some processed fruits; processed vegetables; cooked beans; cooked rice; cooked potatoes; many flavored tea and coffee-based beverages (e.g. lattes, Thai teas, and so on); many smoothie-type beverages</p>
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Training	<p>Before a producer produces and sells TCS food, the producer shall complete and pass food safety training from a list of providers, including the ServSafe Food Handler or Manager Training, approved by the Oklahoma Department of Agriculture, Food, and Forestry. The food safety training shall be available to complete online and shall not exceed eight hours in length.</p> <p>The Oklahoma Department of Agriculture, Food and Forestry shall make the list of approved training available on its website: ag.ok.gov/divisions/food-safety/</p> <p>ServSafe classes may be found by contacting your county health department, https://www.servsafe.com/, or https://www.servsafe.com</p>
Sales	<p>Sales shall only occur in the State of Oklahoma.</p> <ul style="list-style-type: none"> • By the producer directly to the consumer, either in person or by remote means, including, but not limited to, the internet or telephone • Not a third-party vendor
Delivery	<ul style="list-style-type: none"> • Only in the State of Oklahoma • By the producer directly to the consumer, not a third-party

Table 3. Are there any labeling requirements for the food or drink products produced?

Labels	<p>All foods made under this act must be labeled in the following ways:</p> <ul style="list-style-type: none"> • On a label affixed to the package if the homemade food product is packaged; or • On a label affixed to a container, if the homemade food product is offered for sale from a bulk container directly to the consumer; or • On a placard displayed at the point of sale, and on a card or other item that is made available to the consumer and is readily carryable if the homemade food product is not packaged; and • Displayed on the webpage from which the homemade food product is offered for sale if it is sold on the internet, provided that each item sold over the internet shall be properly labeled or shall have a label included in the shipping container. <p>The labels must contain all of the following information in a minimum of a 10-point size font:</p> <ul style="list-style-type: none"> • The name and phone number of the producer or HFFA registration number • The physical address where the product was produced or HFFA registration number • A description of the homemade food product • The ingredients of the homemade food product in descending order of proportion • A statement indicating the presence of any of the nine most common allergens, which are the following: milk, eggs, peanuts, tree nuts (list the specific nut(s) used), fish, crustacean shellfish, wheat, soy and sesame, • Legible print stating, "This product was produced in a private residence that is exempt from government licensing and inspection."
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How long may participation in the Homemade Food Freedom Act last?

A producer is allowed annual gross sales of prepared foods up to \$75,000. Gross sales over \$75,000 exclude a producer from being able to produce and sell food under the Homemade Food Freedom Act. (At this point, one would need to move to a commercially inspected kitchen or co-packer.) Gross annual sales include all sales of prepared food produced by the business.

Is sales tax charged on products sold under the Homemade Food Freedom Act?

Yes. According to the Oklahoma Tax Commission, city, county and state sales tax should be collected. The point of sale is what determines the sales tax to be charged. To collect sales tax, the purchase of a sales tax permit is required. Registration to collect sales tax, assigns a state sales tax number and acknowledges the legal responsibility to collect, file and remit sales tax to the state. To purchase a sales tax permit, go to oklahoma.gov/tax.html.

Is the purchase of a license required to prepare food under the Homemade Food Freedom Act?

The production and sale of homemade food products that meet the conditions of the Homemade Food Freedom Act shall be exempt from all licensing and other requirements of the State Department of Health and the Oklahoma Department of Agriculture, Food and Forestry.

What if a violation by the producer occurs under the Homemade Food Freedom Act?

Nothing in the Homemade Food Freedom Act shall be construed to impede the State Department of Health in any investigation of a reported foodborne illness.

Upon receipt of a consumer complaint, the Oklahoma Department of Agriculture, Food and Forestry shall have the authority to request proof of completion of the food safety training, verify a producer's gross sales, and ensure a producer has complied with the act's labeling and delivery requirements. The Oklahoma Department of Agriculture, Food and Forestry may fine a producer who violates this act.

A violation of the Homemade Food Freedom Act shall be punishable by a fine not exceeding \$300.

How do I register for a Homemade Food Freedom Act Number?

House Bill 2975, signed in April 2024, allows producers of homemade food products to obtain a registration number to affix to their product labels. The number can replace the name, phone number and/or address information on the label. The annual fee is \$15. This registration is voluntary. To download form, visit ag.ok.gov/licensing-permits/.

Visit the Oklahoma Department of Agriculture, Food and Forestry website for more information.

ag.ok.gov/divisions/food-safety/

Example: OKFFA - ### - MMY

Interpretation: OKFFA - 999 - 0125 was issued in January 2025, and will need to be renewed in January 2026.

What are processing activities for fresh fruits and vegetables?

Slicing, chopping, cooking, canning, dehydrating, freezing and freeze-drying are processing steps. Washing, trimming, husking and harvesting are farm activities.

Links

Oklahoma Department of Agriculture, Food and Forestry

ag.ok.gov/divisions/food-safety/

(405)522-6119

Oklahoma State Department of Health

oklahoma.gov/health/services/licensing-inspections/consumer-health-service/foods.html

Oklahoma State Department of Health Advisory Letter

oklahoma.gov/content/dam/ok/en/health/health2/aem-documents/protective-health/consumer-health-services/food-service/food-freedom-act-policy-letter.pdf



Peer Reviewed

Andrea Graves

Robert M. Kerr Food & Ag Products Center

Renee Albers-Nelson

Robert M. Kerr Food & Ag Products Center

Ravi Jadeja

Robert M. Kerr Food & Ag Products Center

Stephanie Baker

Robert M. Kerr Food & Ag Products Center

Rodney Holcomb

Robert M. Kerr Food & Ag Products Center

Justin McConaghy

Department of Agricultural Food and Forestry, OSU



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Issued in furtherance of Cooperative Extension work, acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture, Director of Oklahoma Cooperative Extension Service, Oklahoma State University, Stillwater, Oklahoma. This publication is printed and issued by Oklahoma State University as authorized by the Vice President for Agricultural Programs and has been prepared and distributed at a cost of 20 cents per copy. January 2025 AM.