

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 37. FOOD SAFETY

(A) **PURPOSE AND LEGAL BASIS OF THE PROPOSED RULE:**

The proposed removes the limit of gallons for raw milk for incidental sales and the restriction from advertising; updates the language from homemade food to local food freedom to match the statutory change and updates residence to local food establishment pursuant to Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); 2 O.S. § 7-404; and 2 O.S. § 5-4.3.

(B) **CLASSIFICATION:**

This rule amendment is classified as a *nonmajor rule amendment* with little to no financial impact.

(C) **PURPOSE OF PROPOSED AMENDMENT:**

The purpose is to remove the limit of gallons for raw milk for incidental sales and the restriction from advertising because of statutory changes. Additionally, the rules update the language from homemade food to local food freedom to match the statutory change and updates residence to local food establishment.

(D) **CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**

The proposed amendments affect people regulated by the Department's Food Safety program. No cost impacts have been received.

(E) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**

Persons who wish to sell raw milk and participate in the local food freedom program will benefit from the proposed rule amendments.

(F) **DETERMINATION OF PROBABLE ECONOMIC IMPACT:**

The proposed permanent amendments will have little economic impact on the affected classes, affected businesses, business sectors, individuals, state or local government entities, and the state economy. Based on the registrations issued in 2026, the Department estimates that approximately \$50,000.00 will be spent in total by all businesses and/or individuals across the state who will need to update their stickers from saying homemade food to local food. Over five years this will be approximately \$250,000.00 for businesses and/or individuals who participate in this program. No additional agency personnel or budget expenses are anticipated. While this cost may be related to the rule, this change is based on the statutory amendment and the stickers will need to be updated upon the statute going into effect on November 1, 2026.

No information on direct or indirect cost impact has been received by the agency from private or public entities to date.

(G) METHODOLOGY OF PROBABLE ECONOMIC IMPACT:

The methodology focused on indirect, direct, measurable impacts, primarily concerning fees and administrative costs. The analysis was conducted under the assumption that roughly the same number of people would be renewing their registration for products under the Local Food Act. In 2026, the Department has roughly 1300 people who are registered for this program. The average cost for stickers for food products is \$30 for a roll of 500 stickers. The Department multiplied the number of people registered by the \$30 and added an additional \$11,000 to account for individuals who are registered with the Department. To determine the 5-year impact the Department multiplied the yearly total of \$50,000.00 by 5, which equals \$250,000.00.

(H) DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:

No effect on any political subdivision is anticipated by the proposed rule amendments.

(I) DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:

It is not anticipated that the proposed rule amendments will have an adverse effect on small businesses.

(J) DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:

The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rule amendments. No measures were necessary to minimize compliance costs, as no costs are imposed by the rule.

(K) DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:

The proposed rule amendments will not detrimentally affect the public health, safety, and environment.

(L) DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:

The Department is not aware of any detrimental effect the proposed rules will have on public health, safety, and environment.

(M) DATE RULE IMPACT STATEMENT WAS PREPARED:

This rule impact statement was prepared on September 23, 2026.