



OREGON DEPARTMENT OF AGRICULTURE

HB 2446 - Advertising Raw Milk

Presented to
House Agriculture and Natural Resources Committee
February 24, 2015

Description

HB 2446 would repeal ORS 621.012 (1), which prevents a person from advertising raw milk for sale.

Background

In Oregon the sale of raw milk is prohibited except for the provisions in ORS 621.012 which provides an exception for small-scale on farm sales. ORS 621.012 provides an exception if the following specific criteria are met:

- 1) The person does not advertise the milk for sale [ORS 621.012 (1)]
- 2) The milk is sold directly to the consumer at the premise where produced; and [ORS 621.012 (2)]
- 3) No more than two producing dairy cows, nine producing goats are located on the premise where the milk is produced. [ORS 621.012 (3)]

On November 19, 2013 Christine Anderson and Cast Iron Farm LLC filed a lawsuit in the United States District Court for the District of Oregon against the Director and the Oregon Department of Agriculture (ODA), challenging the enforcement of Oregon Revised Statute 621.012 (1), which prohibits the advertisement of raw or unpasteurized milk. The basis of the lawsuit was that ORS 621.012 (1) violated the first amendment of the United States Constitution (free speech).

Subsequent to the filing of the lawsuit and in consultation with the Oregon Department of Justice, the ODA agreed to discontinue enforcement of ORS 621.012 (1). That decision was memorialized in a settlement agreement with the plaintiff in February 2014. In addition, the ODA agreed to introduce legislation to repeal ORS 621.012 (1).

Summary

If enacted, there would no longer be law (ORS 621.012 (1)) preventing a person from advertising raw milk for sale. The remaining provisions of ORS 621.012 would still apply.

Fiscal Impact

None

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