

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
Senate Committee On Environment and Natural Resources

MEASURE: HB 2446
CARRIER: Sen. Prozanski

Fiscal: No Fiscal Impact
Revenue: No Revenue Impact

Action Date: 04/27/15

Action: Do Pass.

Meeting Dates: 04/27

Vote:

Yeas: 4 - Dembrow, Edwards, Olsen, Prozanski

Exc: 1 - Thomsen

Prepared By: Beth Reiley, Committee Administrator

WHAT THE MEASURE DOES:

Deletes prohibition against advertising by unregulated producer engaged in small-scale on-premises sale of raw milk directly to consumer.

ISSUES DISCUSSED:

- Settlement agreement resulting in House Bill 2446
- Statutory provisions limiting number of milk-producing animals on premises and requirement that milk is sold directly to consumer at location where milk is produced would still apply
- History of small-scale exemption

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Current law prohibits the sale of raw milk except for small-scale on farm sales if the person selling the milk does not advertise it, milk is sold directly to the consumer at the location where it is produced; and no more than two producing dairy cows and nine producing goats are located on the premise where the milk is produced.

On November 19, 2013, Christine Anderson and Cast Iron Farm LLC filed a lawsuit in the United States District Court against the Oregon Department of Agriculture (ODA) and its Director, challenging the enforcement of ORS 621.012 (1), which prohibits the advertisement of raw or unpasteurized milk. The basis of the lawsuit was that this statute 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, ODA agreed to discontinue enforcement of the prohibition against advertising the sale of raw milk. That decision was memorialized in a settlement agreement with the plaintiff in February 2014. In addition, ODA agreed to introduce legislation to repeal ORS 621.012 (1).

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