

**SB 643: Relating to food establishments in residential dwellings.**

**SUPPLEMENTAL SUPPORT TESTIMONY**

**Erica Smith Ewing, Institute for Justice**

**April 26, 2023 (Post committee hearing)**

Dear Chair Bynum, Vice Chairs Morgan and Nguyen, and Members of the Committee,

Thank you for the opportunity to testify at the hearing yesterday. I wanted to follow up on two concerns that were raised at the hearing.

First, some members of the committee were concerned that it may be difficult to distinguish between coffee shops and restaurants, regarding allowing cottage food sales to the former but not the latter. I'll note that of the 20 plus states that allow cottage food sales to retail shops, several of them distinguish between sales at coffee shops and cafés versus sales at restaurants. One effective way to do this is to distinguish between food establishments that offer counter service but not table service.

Second, I wanted to address Vice Chair Nguyen's concern that cottage food businesses may change the character of residential neighborhoods. Cottage foods have already been legal in Oregon for over a decade, with no apparent negative affect on neighborhoods. In addition, almost every municipality has a zoning code that regulates home businesses (i.e., home occupations), including cottage food businesses. This allows municipalities to prevent any home businesses that may have a negative impact on its neighbors. While we don't think any municipality should be able to completely ban a cottage food business (and in fact, doing so would be unconstitutional), municipalities are free to impose reasonable restrictions on cottage food businesses and other home businesses to prevent them from becoming a nuisance. I'll add that in my experience of working on cottage food issues for almost a decade, I have never seen a cottage food business become an issue for neighbors.

Thank you for your time.

Erica Smith



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