



Oregon

John A. Kitzhaber, MD, Governor

Department of Agriculture

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February 12, 2014

To: ODA Food Safety Staff

From: Katy Coba, Director

Subject: Internal Directive - Raw Milk Advertising

This memo is to provide internal direction to all staff regarding our enforcement of the sale of Raw Milk in Oregon, specifically the provisions of ORS 621.012 (1).

ORS 621.012 provides an exception to the prohibition against the sale of raw (unpasteurized) milk:

621.012 Exception for small-scale on-farm sales. The provisions of ORS 621.062, 621.070, 621.072, 621.076, 621.084, 621.088, 621.116, 621.117 and 621.259 and standards developed under ORS 621.060, 621.083 or 621.224 do not apply to a person owning not more than three dairy cows that have calved at least once, nine sheep that have lactated at least once or nine goats that have lactated at least once, but such person may sell the fluid milk from those animals for human or other consumption without complying with the provisions of ORS 621.062, 621.070, 621.072, 621.076, 621.084, 621.116, 621.117 or 621.259 or standards developed under ORS 621.060, 621.083 or 621.224 only if:

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

As of the date of this memorandum, ODA staff **shall not enforce** ORS 621.012 (1) that prohibits a person from advertising raw milk for sale. The exercise of ODA's enforcement discretion is made in consultation with the Oregon Department of Justice. In addition, the ODA will be asking the legislature to delete subsection (1) of ORS 621.012 during the 2015 legislative session.

The direction in this memo only applies to enforcement of ORS 621.012 (1):

ORS 621.012 (1) *The person does not advertise the milk for sale;*

The ODA will continue to enforce all other provisions of ORS 621.012.

If you have any questions related to this directive, please contact your immediate supervisor who will forward concerns or questions to the Directors Office.

