



2015 State Critical Issue

Food Freedom Constitutional Amendment

Action Requested of General Assembly

Virginia Farm Bureau urges legislators to:

- Oppose the Food Freedom Constitutional Amendment that states: *"That the people shall have a right to acquire, for their own consumption, farm-produced food directly at the farm with agreement from the farmer who produced it."*
- Oppose the language because it would give consumers standing in court to sue for the inability to purchase certain foods and "trump" any existing statute, regulation or inspectional oversight that might be imposed on the farmer in order for them to sell their food products.

Background

There have been a number of unsuccessful attempts to amend food safety laws to allow for the unregulated sale of food products on the farm that are regulated by the Virginia Department of Agriculture and Consumer Services (VDACS). A new tactic is being proposed to attempt to trump Virginia statutes and regulations related to food that will allow for the purchase of any farm produced food through the passage of a Constitutional Amendment and favorable court action.

The proponents of the amendment see the amendment as part of a long term strategy that will end in court. The amendment does not mention the term "agriculture" and has nothing to do with the freedom of farmers to farm. The purpose of the amendment is to give standing in court to consumers to sue to override current law. The uncertainty, costs, and negative effects on the agricultural economy and commerce will be detrimental to the industry.

Virginia Farm Bureau is opposed to the Constitutional Amendment for the following reasons:

- A Virginia Constitutional Amendment would trump any statute or regulation - it would overrule current food regulations from VDACS
- If the current food regulations were overturned, Virginia would be in violation of federal meat inspection laws which means Virginia would lose flexibility built into the Virginia Meat Inspection Program to help small meat processors
- There is nothing stated in the amendment about the farmers' right to sell products. It is not illegal to buy certain farm-produced food, it is only illegal for the farmer to sell it. This proposed Amendment would give the consumer "standing" in Court to challenge the fact that they cannot get, for instance, unpasteurized milk or uninspected meat.