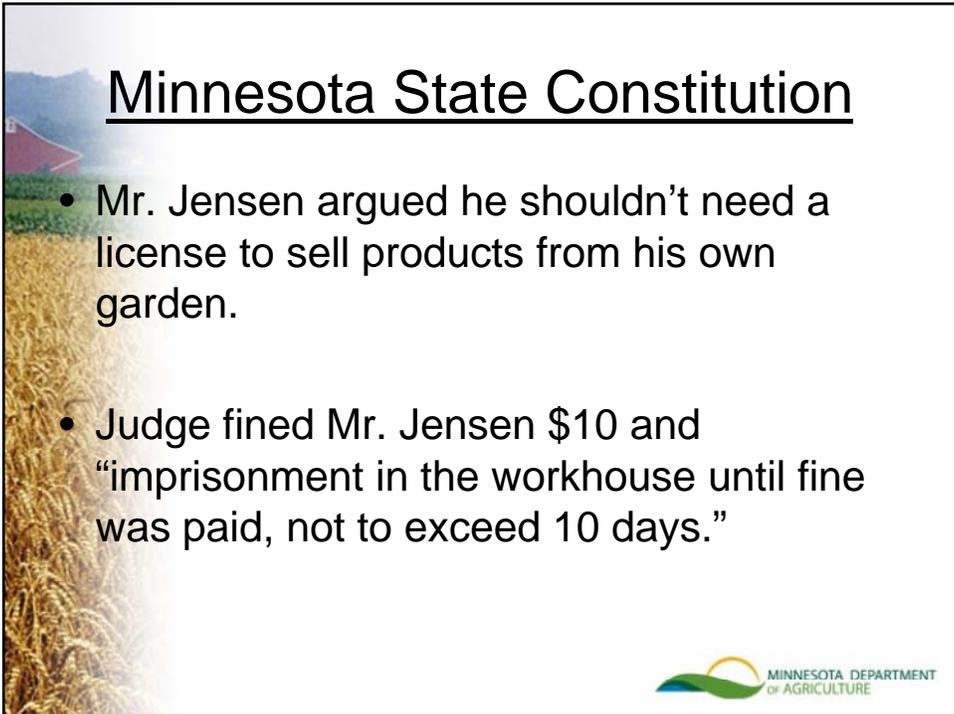


## Minnesota State Constitution

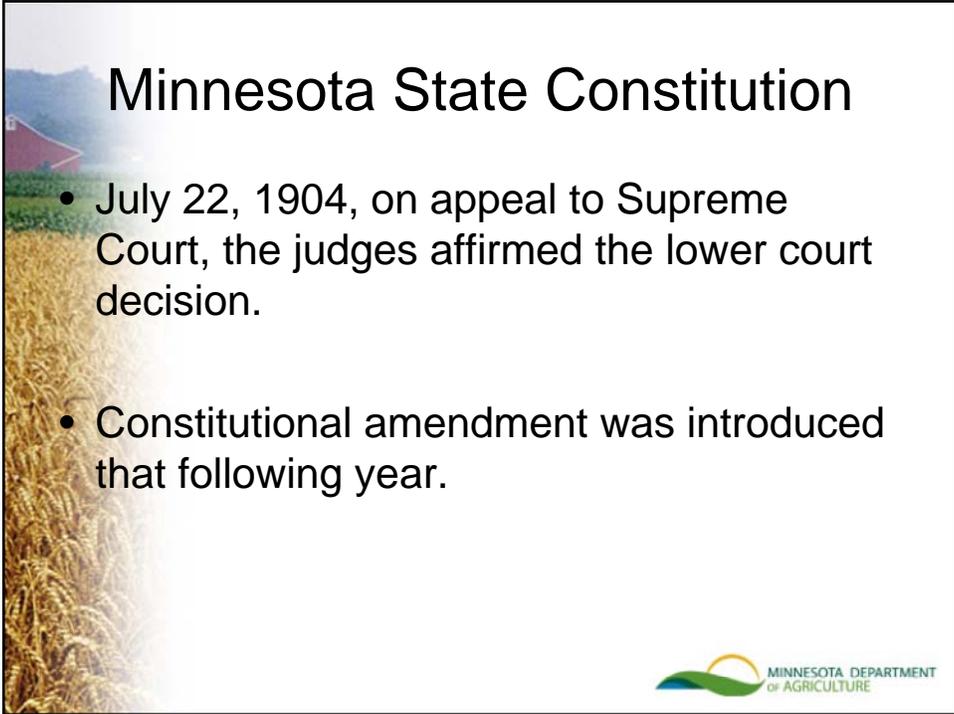
- 1903- Peter Jensen sold melons at farmers market in Minneapolis.
- Minneapolis city ordinance saying anyone selling anything on the street had to pay a \$125 annual license fee.



## Minnesota State Constitution

- Mr. Jensen argued he shouldn't need a license to sell products from his own garden.
- Judge fined Mr. Jensen \$10 and "imprisonment in the workhouse until fine was paid, not to exceed 10 days."





## Minnesota State Constitution

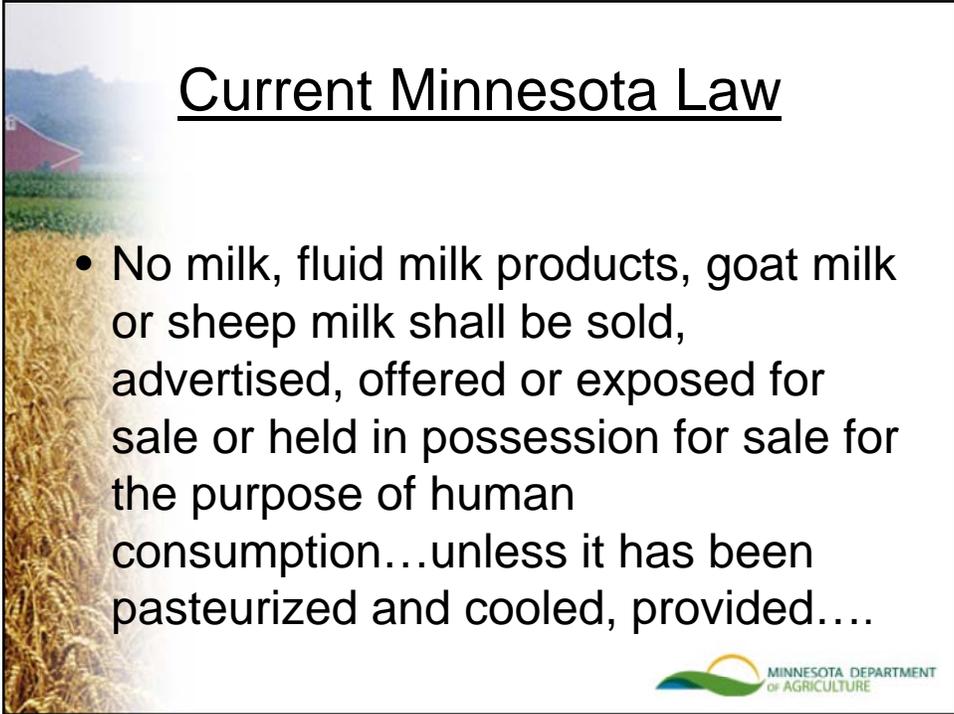
- July 22, 1904, on appeal to Supreme Court, the judges affirmed the lower court decision.
- Constitutional amendment was introduced that following year.



## Minnesota State Constitution

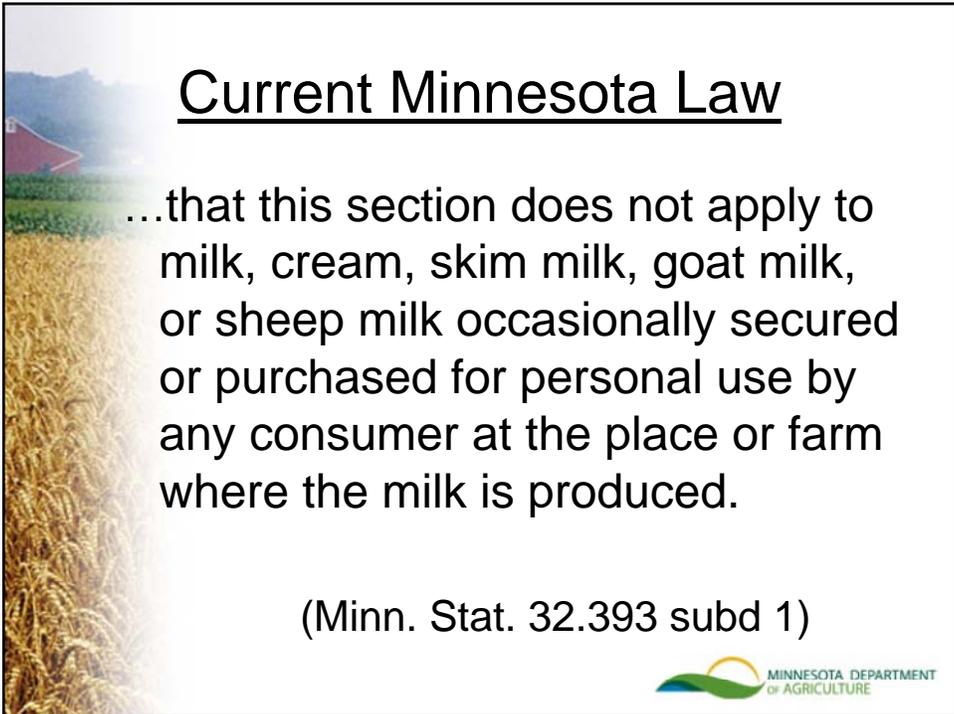
- Original language:  
“Any person can sell their products from their farm or garden..without restriction.”
- Final language:  
“Any person may sell or peddle the products of the farm or garden occupied and cultivated by him, without obtaining a license therefore.”





## Current Minnesota Law

- No milk, fluid milk products, goat milk or sheep milk shall be sold, advertised, offered or exposed for sale or held in possession for sale for the purpose of human consumption...unless it has been pasteurized and cooled, provided....

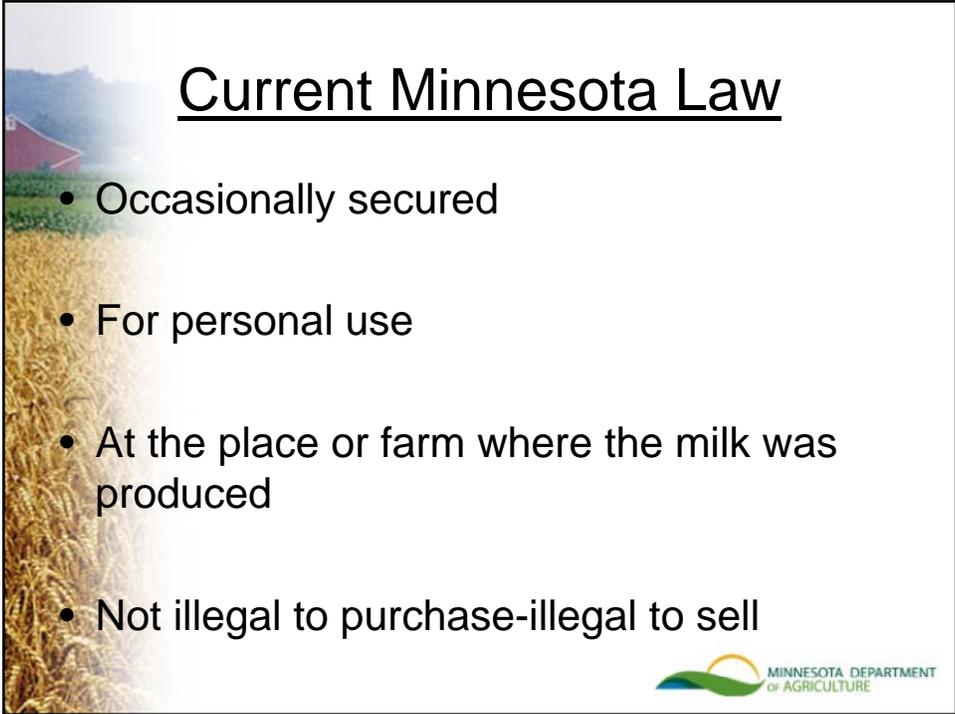


## Current Minnesota Law

...that this section does not apply to milk, cream, skim milk, goat milk, or sheep milk occasionally secured or purchased for personal use by any consumer at the place or farm where the milk is produced.

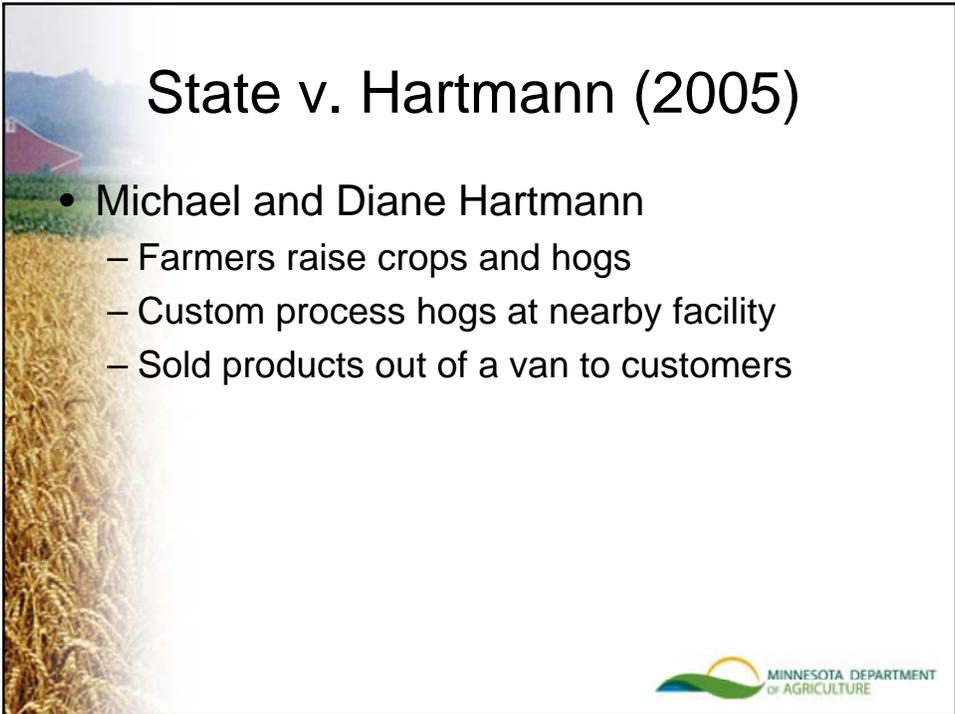
(Minn. Stat. 32.393 subd 1)





## Current Minnesota Law

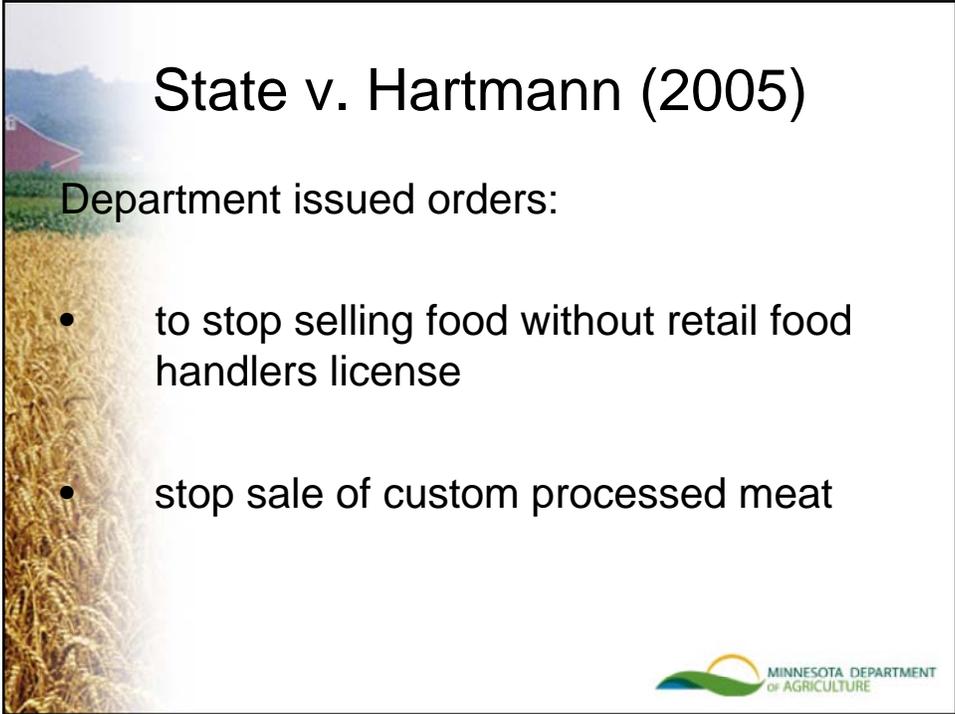
- Occasionally secured
- For personal use
- At the place or farm where the milk was produced
- Not illegal to purchase-illegal to sell



## State v. Hartmann (2005)

- Michael and Diane Hartmann
  - Farmers raise crops and hogs
  - Custom process hogs at nearby facility
  - Sold products out of a van to customers

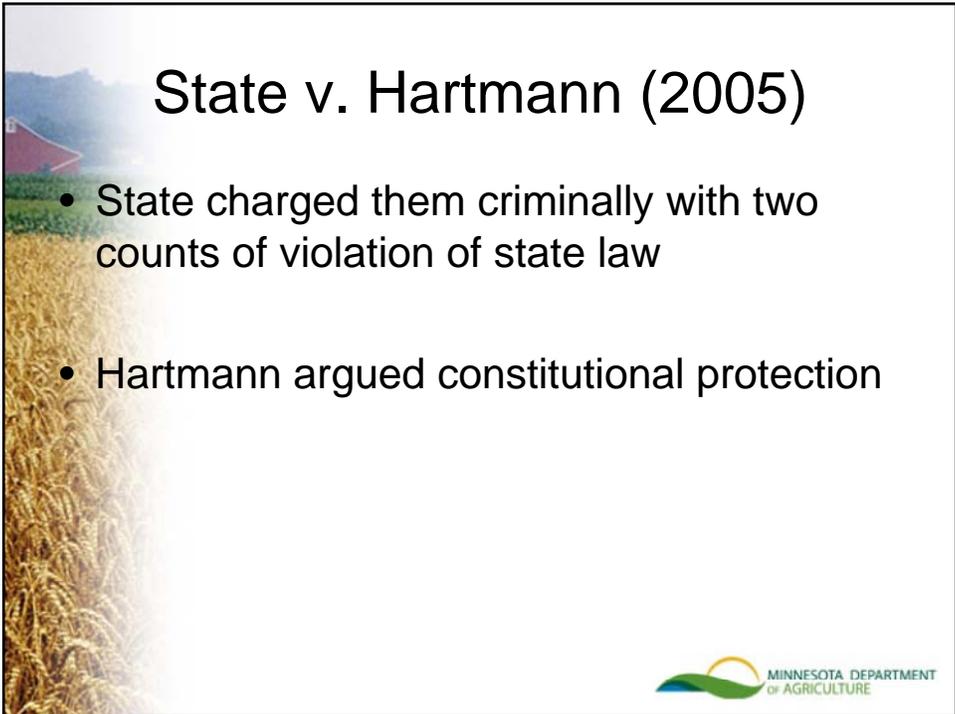




## State v. Hartmann (2005)

Department issued orders:

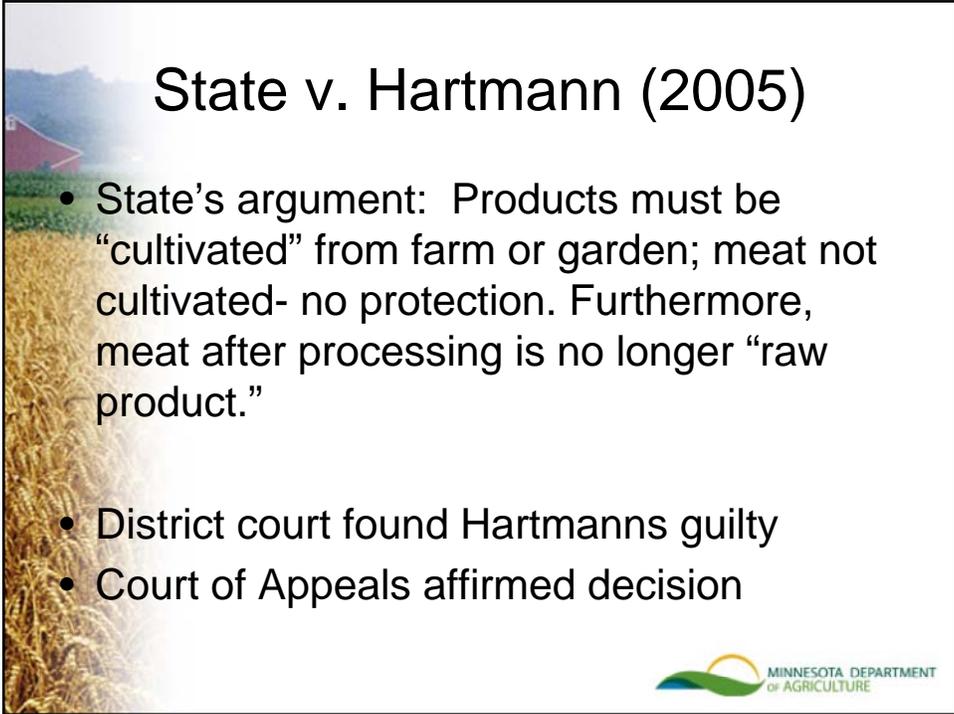
- to stop selling food without retail food handlers license
- stop sale of custom processed meat



## State v. Hartmann (2005)

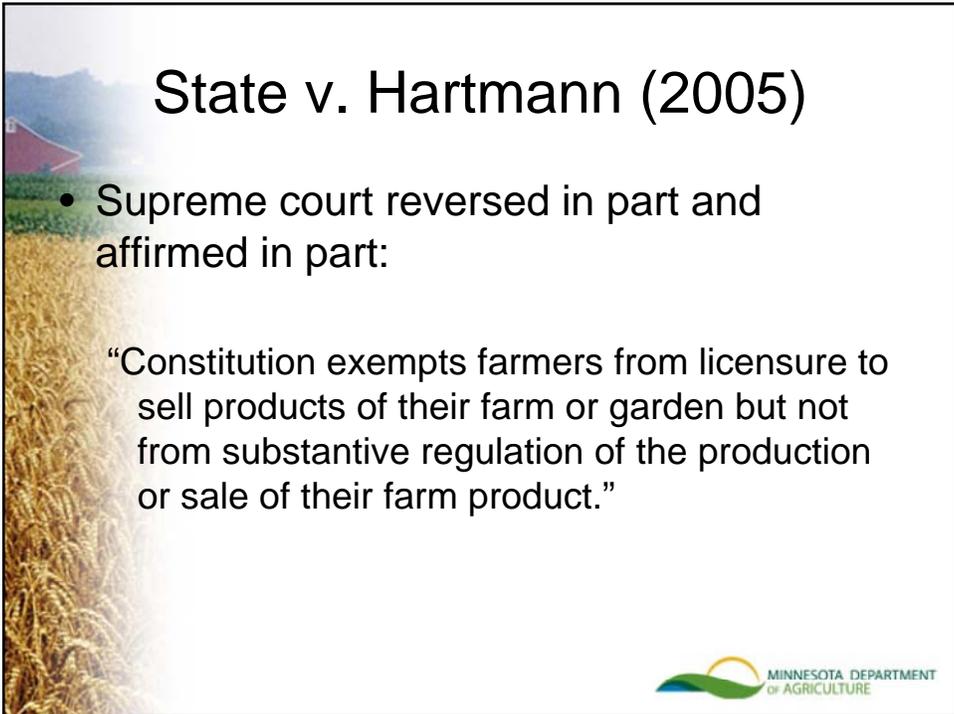
- State charged them criminally with two counts of violation of state law
- Hartmann argued constitutional protection





## State v. Hartmann (2005)

- State's argument: Products must be "cultivated" from farm or garden; meat not cultivated- no protection. Furthermore, meat after processing is no longer "raw product."
- District court found Hartmanns guilty
- Court of Appeals affirmed decision

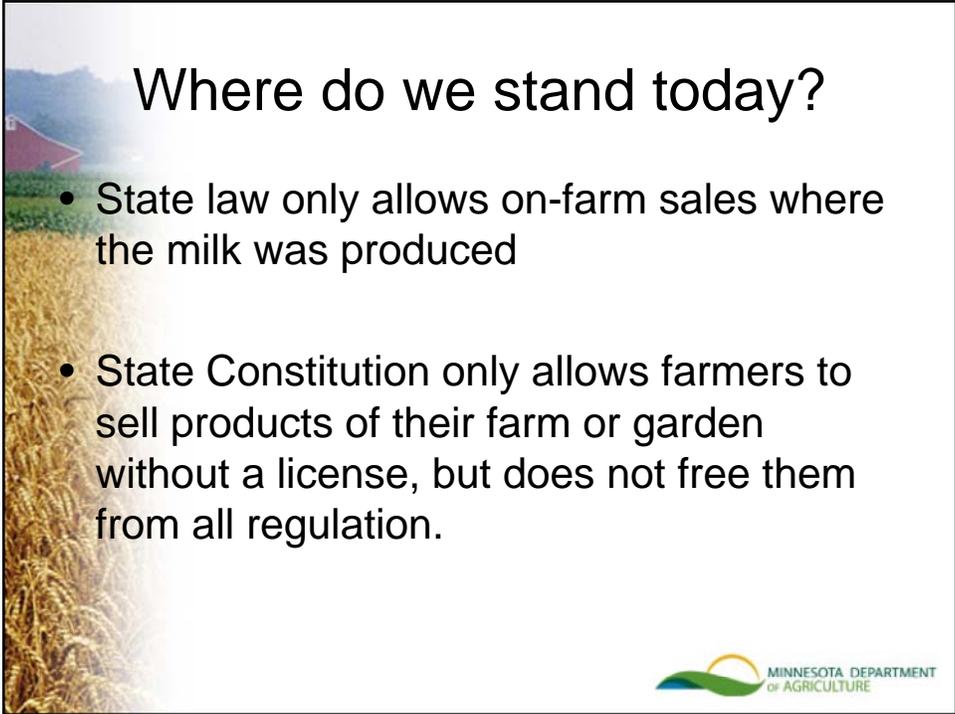


## State v. Hartmann (2005)

- Supreme court reversed in part and affirmed in part:

“Constitution exempts farmers from licensure to sell products of their farm or garden but not from substantive regulation of the production or sale of their farm product.”





## Where do we stand today?

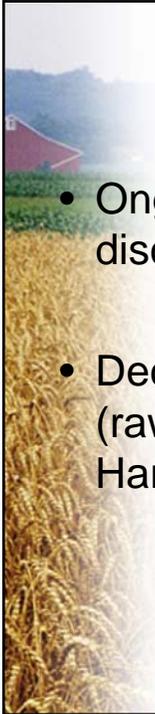
- State law only allows on-farm sales where the milk was produced
- State Constitution only allows farmers to sell products of their farm or garden without a license, but does not free them from all regulation.



## Recent Actions:

- 2010 State embargoed products of Hartmann farm after outbreak of *E. coli* 0157:H7 was linked to their farm and ordered farm to discontinue operating.
- December 2010: Judge granted order for State to destroy embargoed product





## Recent Actions

- Ongoing litigation regarding the order to discontinue operating.
- December 2010 State seized all product (raw milk, meat, butter, cheese, etc.) from Hartmann truck at a drop site location.



## Recent Actions

- June 2010, State embargoed all products (raw milk, kefir, butter, home-canned foods, etc.) and shut down illegal retail operation/buying club in Minneapolis
- Destroyed all illegal product and turned over to local licensing authority





## Recent Actions

- June 2010 State embargoed product (raw milk, frozen vegetables, etc.) from farmer who had no license to sell such product (products not of his farm or garden)
- March 2011, State seized all products from his truck as he was selling product at a local drop site.



QUESTIONS?