

**SENATE BILL REPORT**

**SB 6290**

**AS REPORTED BY COMMITTEE ON AGRICULTURE, FEBRUARY 1, 1994**

**Brief Description:** Protecting agricultural products and producers from defamation.

**SPONSORS:** Senators M. Rasmussen, Erwin, Loveland, Snyder, Newhouse, Sellar, Amondson and Bauer

**SENATE COMMITTEE ON AGRICULTURE**

**Majority Report:** That Substitute Senate Bill No. 6290 be substituted therefor, and the substitute bill do pass.

Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Bauer, Morton and Newhouse.

**Staff:** Diane Smith (785-7410)

**Hearing Dates:** January 27, 1994; February 1, 1994

**BACKGROUND:**

Concern has been expressed about false claims made against agricultural products and practices of this state. In general, a person injured in his or her business, trade, or profession by the publication of a disparaging and false or defamatory and false statement may bring a defamation or disparagement action to recover damages.

**SUMMARY:**

False statements about either an agricultural producer or about an agricultural product that by their nature would damage the producer directly or by reflection upon the producer from the false statements made about his product are actionable. No proof of damages is required.

If an entire group of agricultural producers or products is subject to false and defamatory statements, each member of the group is entitled to relief.

An injunction may be requested to prohibit the dissemination of further defamatory statements.

Attorneys' fees are awarded to the prevailing party.

**EFFECT OF PROPOSED SUBSTITUTE:**

Common law causes of action are not abrogated by this act.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

Agricultural producers can be devastated by public statements which falsely defame or disparage their products. When their markets fail, they also lose their product to spoilage. The markets can take years to recover. The remedy currently existing in case law is viewed to be inadequate.

**TESTIMONY AGAINST:**

Prohibiting false statements which defame or disparage agricultural products would have a chilling effect on free speech. This would limit the availability of information the public needs on issues of health and safety.

**TESTIFIED:** Diana Kramer, WA Newspaper Publishers Assn. (con); PRO: Heather Rainey, WA Assn. For Animal Welfare; Ron Averill; Harvey Beck, WA State Farm Bureau; Chris Cheney, WSFB; Kent Lebsock, WA Cattlemen's Assn.; E. Roechs, WA State Grange; Bill Fritz, WA Food Processors