



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5418/1
JAM:cdc

2023 SENATE BILL 886

January 5, 2024 - Introduced by Senators MARKLEIN, BALLWEG, COWLES, FEYEN, PFAFF, QUINN, SPREITZER, WIMBERGER and WANGGAARD, cosponsored by Representatives SCHMIDT, MAXEY, C. ANDERSON, BALDEH, BARE, BEHNKE, BINSFELD, DITTRICH, DUCHOW, EDMING, GOEBEN, GUNDRUM, GUSTAFSON, KITCHENS, KURTZ, MELOTIK, MICHALSKI, MOSES, MURPHY, NOVAK, O'CONNOR, OLDENBURG, RETTINGER, ROZAR, SAPIK, SCHUTT, SHANKLAND, STEFFEN, TITTL, TRANEL, S. JOHNSON and SCHRAA. Referred to Committee on Agriculture and Tourism.

1 **AN ACT** *to create* 97.26 of the statutes; **relating to:** labeling a food product as
2 a type of milk and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under this bill, no person may label a food product as, or sell or offer for sale a food product that is labeled as, any type of milk unless the food product is cow's milk or hooved or camelid mammal's milk or a type of milk that meets certain specifications under federal law. The bill also requires the Department of Agriculture, Trade and Consumer Protection to promulgate rules to implement the prohibition in the bill.

The prohibition in the bill applies only if at least 10 states out of a group of 15 states listed in the bill enact a prohibition similar to this bill by June 30, 2031; otherwise the prohibition in the bill does not apply.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 97.26 of the statutes is created to read:
4 **97.26 Labeling of food product as milk.** (1) PROHIBITION. Beginning 6
5 months after publication of the notice under sub. (3), no person may label a food

SENATE BILL 886**SECTION 1**

1 product as, or sell or offer for sale a food product that is labeled as, any type of “milk”
2 unless the food product is at least one of the following:

3 (a) Milk, lowfat milk, skim milk, or nonfat dry milk.

4 (b) A product described in 21 CFR 131.110 to 131.147.

5 (c) Hooved or camelid mammals’ milk, as defined in s. 97.20 (1) (fm).

6 **(2) RULES.** The department shall promulgate rules to implement this section.

7 **(3) ENACTMENT BY OTHER STATES.** As soon as possible after at least 10 states out
8 of the group of states composed of Illinois, Indiana, Iowa, Kentucky, Maryland,
9 Michigan, Minnesota, Missouri, North Dakota, North Carolina, Ohio, South Dakota,
10 Tennessee, Virginia, and West Virginia enact a prohibition that is substantially
11 similar to sub. (1), the department shall submit to the legislative reference bureau
12 for publication in the Wisconsin Administrative Register a notice specifying the date
13 that at least 10 of the states listed in this subsection have enacted a prohibition
14 substantially similar to sub. (1). This subsection does not apply after June 30, 2031.

15 **(4) APPLICABILITY.** Subsections (1) and (2) do not apply if a notice under sub. (3)
16 has not been published.

17 **(END)**