

State of Wisconsin



2013 Assembly Bill 485

Date of enactment: April 8, 2014
Date of publication*: April 9, 2014

2013 WISCONSIN ACT 245

AN ACT *to amend* 97.29 (2) (a) (intro.); and *to create* 97.28 of the statutes; **relating to:** the sale of eggs.

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

SECTION 1. 97.28 of the statutes is created to read:

97.28 Direct sale of eggs. (1) In this section:

(a) "Candling" means carefully examining, in a dark place, the interior and exterior of a whole egg that is placed in front of a strong light source.

(b) "Egg" means the shell egg of the domestic chicken, *Gallus gallus domesticus*, and of turkey, duck, goose, guinea, or other avian species whose eggs are used for human consumption.

(c) "Egg producer" means a person who sells eggs laid only by a bird or a flock of birds owned by that person.

(d) "Egg sales route" means one or more residences inhabited by consumers who regularly buy eggs from an egg producer who travels to the residences.

(e) "Farmer's market" means a building, structure, or place where 2 or more individuals gather on a regular, recurring basis to sell, directly to the consumer, any of the following:

1. Raw agricultural commodities that are grown, harvested, or collected by the individual.

2. Food that is prepared by the individual.

(f) "Nest-run egg" means an egg that is not washed, graded, or subject to candling before sale.

(2) An egg producer who satisfies all of the following need not obtain a license under s. 97.29 to sell eggs, including nest-run eggs:

(a) The number of egg-laying birds in the egg producer's flock does not exceed 150.

(b) The egg producer sells the eggs directly to a consumer through one of the following venues:

1. At the premises where the eggs were laid.
2. At a farmers' market located in this state.
3. On an egg sales route.

(c) The egg producer packages the eggs in a carton that is labeled only with the following information:

1. The egg producer's name and address.

2. The date on which the egg producer packed the eggs into the carton.

3. A date that falls no more than 30 days after the date on which the eggs were packed by which the eggs must be sold.

4. A statement indicating that the eggs in the package are ungraded and uninspected.

(d) The egg producer keeps the eggs, packaged as provided under par. (c) and held, as packaged, for sale at a venue identified under par. (b), at an ambient temperature of 41 degrees Fahrenheit or below at all times.

SECTION 2. 97.29 (2) (a) (intro.) of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

97.29 (2) (a) *Requirement.* (intro.) Except as provided under par. (b) and s. 97.28, no person may operate a food processing plant without a valid license issued by the department for that food processing plant. A license expires on March 31 annually. Each food processing plant shall have a separate license. A license is not transferable between persons or locations. Application for a license shall be made on a form provided by the department and be accompanied by the applicable fees required

under sub. (3). An applicant shall identify the categories of food processing activities which the applicant proposes to conduct at the food processing plant. An application shall include additional information which may reasonably be required by the department for licensing purposes.

SECTION 3. Initial applicability.

(1) This act first applies to the sale of eggs on the effective date of this subsection.
