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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2001 Assembly Bill 867</b>	<b>Assembly Amendment 1</b>
<b>Memo published: March 7, 2002</b>	<b>Contact: Mark C. Patronsky, Senior Staff Attorney (266-9280)</b>

*Current law* generally prohibits a wholesaler of dairy products from providing equipment to retailers of dairy products. In the statute, the wholesaler may not “furnish, sell, give, lend, or rent” equipment to a retailer. The current statute includes several exceptions to this prohibition.

*Assembly Bill 867* creates an additional exception to the prohibition in the current statutes. Under the bill, a wholesaler may “sell, lend, or rent” portable freezer cabinets that do not exceed 12 cubic feet storage capacity, to retailers for the purpose of displaying “frozen dessert novelties” to retail customers. According to testimony on this bill, the purpose of the bill is to allow retailers to obtain small freezer cabinets for point-of-sale displays of frozen dairy dessert items near checkout lines in retail food stores.

*Assembly Amendment 1* deletes “lend” from the exception. The bill, as affected by the amendment, allows a wholesaler to “sell or rent” portable freezer cabinets. The apparent distinction between these terms is that “rent” involves a payment or payments by the retailer, while “lend” would allow the wholesaler to provide the equipment without payment by the retailer.

Assembly Amendment 1 was recommended for adoption by the Assembly Committee on Agriculture by a vote of Ayes, 16; Noes, 0; and passage, as amended, was recommended by a vote of Ayes, 16; Noes, 0.

MCP:wu;jal