

2009 DRAFTING REQUEST

Bill

Received: **06/23/2009**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Phil Garthwaite (608) 266-1170**

By/Representing: **Sean Hadorn**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Garthwaite@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Voluntary certified honey production standards

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 07/28/2009	csicilia 07/30/2009		_____			State
/P1	csundber 09/10/2009	csicilia 09/15/2009	jfrantze 07/30/2009	_____	sbasford 07/30/2009		State
/1	csundber 10/07/2009	csicilia 10/12/2009	phenry 09/15/2009	_____	sbasford 09/15/2009		State
/2			jfrantze	_____	lparisi	cduerst	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

10/12/2009 _____ 10/12/2009 11/09/2009

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1/?	csundber	pl jjs 7/29 09	JK	7/30			

FE Sent For:

<END>

Sundberg, Christopher

From: Hadorn, Sean
Sent: Tuesday, June 23, 2009 2:45 PM
To: Sundberg, Christopher
Cc: Dietmann, Paul J - DATCP
Subject: Garthwaite Drafting Request: Wisconsin Certified Honey

Attachments: Florida Dept of Ag Honey Standard of Identity.pdf; Excerpts from Florida Proposed Rule 5K.doc; Codex Honey Standard.pdf; Excerpts of Submitted Version of Revised Codex to FDA 06.doc

Hi Chris,

Here's what Phil wants to do:

Create a Honey Standard in the State of Wisconsin.
Use the Codex Alimentarius Commission's honey standard.
Create a WI Certified Honey Program that uses this standard as its benchmark.
Producers would be able to voluntarily participate and become members of the program
Allow DATCP to promulgate rules to regulate this voluntary program and charge small participant fees for program expenses.
Fees are not to exceed program expenses.

Right now, the honey industry is swamped with imported honey that has been cut by impure products – mainly High Fructose Corn Syrup (HFCS). This has the effect of pricing out producers of pure honey and allowing the sellers of this impure product to capitalize on the reputation that honey has with the consumer. We want to create a statutory definition of honey **and** create a way for Wisconsin's consumers to determine what is and what is not authentic and pure Wisconsin honey.

There is currently a push nationwide within state legislatures to create a uniform standard of honey. Following Florida's lead, Utah, Washington, Pennsylvania, Maryland, Texas, Georgia, California and now Wisconsin will be working to implement this standard. The language of this standard is taken verbatim from the Codex Alimentarius – an agency that determines food and hygiene standards internationally. The Codex Alimentarius Commission was created in 1963 by the Food and Agriculture Organization of the UN (FAO) and the World Health Organization (WHO) to develop food standards, guidelines and related texts such as codes of practice under the Joint FAO/WHO Food Standards Program. The main purposes of this Program are protecting health of the consumers and ensuring fair trade practices in the food trade, and promoting coordination of all food standards work undertaken by international governmental and non-governmental organizations.

To be clear, the goal of this standard is not to outlaw impure honey products but to help Wisconsin consumers discern the difference between honey and non-honey products. We do not want to copy Florida's programs verbatim since they have made certain changes that specifically cater to Florida's honey industry. I've included documents from Florida's Department of Agriculture that detail the differences between Florida's standard and the Codex standard (revised in 2001). As in Florida, sections of the Codex must be deleted since they are specifically covered by existing federal statute.

Here is Florida's information:

<http://www.doacs.state.fl.us/pi/plantinsp/apiary/apiary.html>

I've also CC'd Paul Dietmann from DATCP who attended the meeting and will, I assume, be DATCP's point person on the



Florida Dept of Ag
Honey Stand...



Excerpts from
Florida Proposed...

Honey Standard. Let me know if you have any questions or need anything.



Codex Honey
Standard.pdf (69 K..Submitted Version ..



Excerpts of

CODEX STANDARD FOR HONEY
CODEX STAN 12-1981¹

The Annex to this Standard is intended for voluntary application by commercial partners and not for application by Governments.

1. SCOPE

1.1 Part One of this Standard applies to all honeys produced by honey bees and covers all styles of honey presentations which are processed and ultimately intended for direct consumption. Part Two covers honey for industrial uses or as an ingredient in other foods.

1.2 Part Two of this Standard also covers honey which is packed for sale in bulk containers, which may be repacked into retail packs.

PART ONE

2. DESCRIPTION

2.1 DEFINITION

Honey is the natural sweet substance produced by honey bees from the nectar of plants or from secretions of living parts of plants or excretions of plant sucking insects on the living parts of plants, which the bees collect, transform by combining with specific substances of their own, deposit, dehydrate, store and leave in the honey comb to ripen and mature.

2.1.1 Blossom Honey or Nectar Honey is the honey which comes from nectars of plants.

2.1.2 Honeydew Honey is the honey which comes mainly from excretions of plant sucking insects (*Hemiptera*) on the living parts of plants or secretions of living parts of plants.

2.2 DESCRIPTION

Honey consists essentially of different sugars, predominantly fructose and glucose as well as other substances such as organic acids, enzymes and solid particles derived from honey collection. The colour of honey varies from nearly colourless to dark brown. The consistency can be fluid, viscous or partly to entirely crystallised. The flavour and aroma vary, but are derived from the plant origin.

3. ESSENTIAL COMPOSITION AND QUALITY FACTORS

3.1 Honey sold as such shall not have added to it any food ingredient, including food additives, nor shall any other additions be made other than honey. Honey shall not have any objectionable matter, flavour, aroma, or taint absorbed from foreign matter during its processing and storage. The honey shall not have begun to ferment or effervesce. No pollen or constituent particular to honey may be removed except where this is unavoidable in the removal of foreign inorganic or organic matter.

¹ Secretariat's note: At the time of the adoption the Commission agreed that further work would be undertaken on certain technical issues, particularly the provisions concerning Moisture Content.

3.2 Honey shall not be heated or processed to such an extent that its essential composition is changed and/ or its quality is impaired.

3.3 Chemical or biochemical treatments shall not be used to influence honey crystallisation.

3.4 MOISTURE CONTENT

- (a) Honeys not listed below - not more than 20%
- (b) Heather honey (*Calluna*) - not more than 23%

3.5 SUGARS CONTENT

3.5.1 Fructose and Glucose Content (sum of both)

- (a) Honey not listed below - not less than 60 g/100g
- (b) Honeydew honey, - not less than 45 g/100g
blends of honeydew honey with blossom honey

3.5.2 Sucrose Content

- (a) Honey not listed below not more than 5 g/100g
- (b) Alfalfa (*Medicago sativa*), Citrus spp., False Acacia (*Robinia pseudoacacia*), French Honeysuckle (*Hedysarum*), Menzies Banksia (*Banksia menziesii*), Red Gum (*Eucalyptus camaldulensis*), Leatherwood (*Eucryphia lucida*), *Eucryphia milligani* not more than 10 g/100g
- (c) Lavender (*Lavandula spp*), Borage (*Borago officinalis*) - not more than 15 g/100g

3.6 WATER INSOLUBLE SOLIDS CONTENT

- (a) Honeys other than pressed honey - not more than 0.1 g/100g
- (b) Pressed honey - not more than 0.5 g/100g

4. CONTAMINANTS

4.1 HEAVY METALS²

Honey shall be free from heavy metals in amounts which may represent a hazard to human health. The products covered by this Standard shall comply with those maximum levels for heavy metals established by the Codex Alimentarius Commission.

4.2 RESIDUES OF PESTICIDES AND VETERINARY DRUGS

The products covered by this standard shall comply with those maximum residue limits for honey established by the Codex Alimentarius Commission.

5. HYGIENE

² These levels will be established in consultation between the Codex Committee on Sugars and the Codex Committee on Food Additives and Contaminants as soon as possible.

5.1 It is recommended that the products covered by the provisions of this standard be prepared and handled in accordance with the appropriate sections of the Recommended International Code of Practice - General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (CAC/RCP 1-1969), and other relevant Codex texts such as Codes of Hygienic Practice and Codes of Practice.

5.2 The products should comply with any microbiological criteria established in accordance with the Principles for the Establishment and Application of Microbiological Criteria for Foods (CAC/GL 21-1997).

6. LABELLING

In addition to the provisions of the General Standard for the Labelling of Pre-packaged Foods (CODEX STAN 1-1985), the following specific provisions apply:

6.1 THE NAME OF THE FOOD

6.1.1 Products conforming to Part One of the Standard shall be designated 'honey'.

6.1.2 For products described in 2.1.1 the name of the food may be supplemented by the term "blossom" or "nectar".

6.1.3 For products described in 2.1.2 the word "honeydew" may be placed in close proximity to the name of the food.

6.1.4 For mixtures of the products described in 2.1.1 and 2.1.2 the name of the food may be supplemented with the words "a blend of honeydew honey with blossom honey".

6.1.5 Honey may be designated by the name of the geographical or topographical region if the honey was produced exclusively within the area referred to in the designation.

6.1.6 Honey may be designated according to floral or plant source if it comes wholly or mainly from that particular source and has the organoleptic, physicochemical and microscopic properties corresponding with that origin.

6.1.7 Where honey has been designated according to floral or plant source (6.1.6) then the common name or the botanical name of the floral source shall be in close proximity to the word "honey".

6.1.8 Where honey has been designated according to floral, plant source, or by the name of a geographical or topological region, then the name of the country where the honey has been produced shall be declared.

6.1.9 The subsidiary designations listed in 6.1.10 may not be used unless the honey conforms to the appropriate description contained therein. The styles in 6.1.11 (b) and (c) shall be declared.

6.1.10 Honey may be designated according to the method of removal from the comb.

(a) Extracted Honey is honey obtained by centrifuging decapped broodless combs.

(b) Pressed Honey is honey obtained by pressing broodless combs.

(c) Drained Honey is honey obtained by draining decapped broodless combs.

6.1.11 Honey may be designated according to the following styles:

(a) Honey which is honey in liquid or crystalline state or a mixture of the two;

(b) Comb Honey which is honey stored by bees in the cells of freshly built broodless combs and which is sold in sealed whole combs or sections of such combs;

(c) Cut comb in honey or chunk honey which is honey containing one or more pieces of comb honey.

6.1.12 Honey which has been filtered in such a way as to result in the significant removal of pollen shall be designated filtered honey.

6.2 LABELLING OF NON-RETAIL CONTAINERS

6.2.1 Information on labelling as specified in The General Standard for the Labelling of Pre-packaged Foods and in Section 6.1 shall be given either on the container or in accompanying documents, except that the name of the product, lot identification and the name and address of the producer, processor or packer shall appear on the container.

7. METHODS OF SAMPLING AND ANALYSIS

The methods of sampling and analysis to be employed for the determination of the compositional and quality factors are detailed below:

7.1 SAMPLE PREPARATION

Samples should be prepared in accordance with AOAC 920.180.

7.2 DETERMINATION OF MOISTURE CONTENT³

AOAC 969.38B / J. Assoc. Public Analysts (1992) **28** (4) 183-187 / MAFF Validated method V21 for moisture in honey.

7.3 DETERMINATION OF SUGARS CONTENT⁴

7.3.1 *Fructose and Glucose Content (sum of both)*

7.3.2 *Sucrose content*

7.4 DETERMINATION OF WATER-INSOLUBLE SOLIDS CONTENT

J. Assoc. Public Analysts (1992) **28** (4) 189-193/ MAFF Validated method V22 for water insoluble solids in honey

7.5 DETERMINATION OF ELECTRICAL CONDUCTIVITY⁴

7.6 DETERMINATION OF SUGARS ADDED TO HONEY (AUTHENTICITY)⁵

AOAC 977.20 for sugar profile,

AOAC 991.41 internal standard for SCIRA (stable carbon isotope ratio analysis).

³ These methods are identical

⁴ To be finalized.

⁵ CCS noted that a screening method for the detection of cane sugar adulteration of honey was available.

ANNEX

This text is intended for voluntary application by commercial partners and not for application by governments.

1. ADDITIONAL COMPOSITION AND QUALITY FACTORS

Honey may have the following compositional and quality factors:

1.1 FREE ACIDITY

The free acidity of honey may be not more than 50 milliequivalents acid per 1000g.

1.2 DIASTASE ACTIVITY

The diastase activity of honey, determined after processing and/or blending, in general not less than 8 Schade units and in the case of honeys with a low natural enzyme content not less than 3 Schade Units.

1.3 HYDROXYMETHYLFURFURAL CONTENT

The hydroxymethylfurfural content of honey after processing and/or blending shall not be more than 40 mg/kg. However, in the case of honey of declared origin from countries or regions with tropical ambient temperatures, and blends of these honeys, the HMF content shall not be more than 80 mg/kg.

1.4 ELECTRICAL CONDUCTIVITY

- (a) honey not listed under (b) or (c), and blends of these honeys - not more than 0.8 mS/cm
- (b) Honeydew and chestnut honey and blends of these except with those listed under (c) - not less than 0.8 mS/cm
- (c) Exceptions : Strawberry tree (*Arbutus unedo*), Bell Heather (*Erica*), Eucalyptus, Lime (*Tilia spp*), Ling Heather (*Calluna vulgaris*) Manuka or Jelly bush (*Leptospermum*), Tea tree (*Melaleuca spp*).

2. METHODS OF SAMPLING AND ANALYSIS

The methods of sampling and analysis to be employed for the determination of the additional compositional and quality factors set out in Section 1 of this Annex are detailed below:

2.1 SAMPLE PREPARATION

The method of sample preparation is described in section 7.1 of the Standard. In the determination of diastase activity (2.2.2) and hydroxymethylfurfural content (2.2.3), samples are prepared without heating.

2.2 METHODS OF ANALYSIS

2.2.1 Determination of Acidity

J. Assoc. Public Analysts (1992) **28** (4) 171-175 / MAFF validated method V19 for acidity in honey

2.2.2 Determination of Diastase Activity

AOAC 958.09

2.2.3 Determination of hydroxymethylfurfural (HMF) content
AOAC 980.23

2.3. LITERATURE REFERENCES

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- FW (1959) *JAOAC*, 42, 344.
- White J, Spectrophotometric Method for Hydroxymethylfurfural in Honey. *J. AOAC*, 509 (1979).
- Winkler O: Beitrag zum Nachweis und zur Bestimmung von Oxymethylfurfural in Honig und Kunsthonig. *Z. Lebensm. Forsch.* **102**, 160-167 (1955)
- Harmonised methods of the European Honey Commission, *Apidologie - special issue*, **28**, 1997

NOTE: CCS asked CCMAS to consider retaining only those essential references.

PART TWO

[Honey for Industrial Uses or as an Ingredient in other Foods]

This part is subject to further consideration.

7/15

Sean/Garthwaite

\$ 200 or up to 6 mo. jail = penalty for selling honey that does not meet standards promulgated by DATCP. (i.e., the default pen. under s. 100.26 (1))



In: 7/28/09 Waated: Fri PM 8/7/09

State of Wisconsin
2009 - 2010 LEGISLATURE

PI
LRB-3029/4 RMR
CTS: f....
cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

G-note

Gen Cat

1 AN ACT ~~...~~; relating to: requiring the department of agriculture, trade and
2 consumer protection to promulgate a rule defining certified honey, prohibiting
3 the labeling as certified honey of a product that does not meet criteria specified
4 in the rule, and requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Agriculture, Trade and Consumer Protection (DATCP) to promulgate a rule establishing criteria for labeling honey produced in this state as certified honey. The criteria must be consistent with the standard for honey under the Codex Alimentarius of the Food and Agriculture Organization of the United Nations and the World Health Organization.

The bill prohibits labeling a product as certified honey or implying that a product is certified honey, unless the product meets the criteria established in the rule promulgated by DATCP.

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:

5 SECTION 1. 100.187 of the statutes is created to read:

^

1 **100.187 Certified honey; rule, prohibition.** (1) The department shall
2 promulgate a rule establishing criteria for labeling honey produced in this state as
3 certified honey. The criteria established in the rule shall be consistent with the
4 standard for honey under the Codex Alimentarius of the Food and Agriculture
5 Organization of the United Nations and the World Health Organization, number
6 12-1981, as revised in 2001.

7 (2) No person may label a product as certified honey or imply that a product
8 is certified honey unless the product meets the criteria established in the rule
9 promulgated under sub. (1).
10

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3029/P1dn

CTS:j:....

ej's

- late -

Representative Garthwaite:

This is a preliminary draft. Please review it carefully to ensure it is consistent with your intent.

It seems somewhat misleading to describe honey that meets the criteria established by DATCP as "certified," because the term seems to imply a guarantee or some sort of inspection or approval of a product that the bill does not quite deliver. Is there another term that might be used to describe honey that complies with the criteria established by DATCP?

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3029/P1dn
CTS:cjs:jf

July 30, 2009

Representative Garthwaite:

This is a preliminary draft. Please review it carefully to ensure it is consistent with your intent.

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Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

304w

Sundberg, Christopher

From: Hadorn, Sean
Sent: Tuesday, September 01, 2009 3:53 PM
To: Sundberg, Christopher
Subject: Honey Draft Changes

Hi Chris,

There are a number of changes that I'd like to make:

- 1) The intent of the first part of the bill is to create a definition of honey. To this end we can a) drop the term "certified from the draft(per your recommendation) and b) continue to direct DATCP to promulgate a rule using the codex to define honey.
- 2) Create a new section directing DATCP to create a program similar to the "something special from Wisconsin" program for honey. This program should be voluntary. Honey producers who choose to enroll in the program must have their honey meet the standard provided by the DATCP promulgated rule; there will be a small fee associated with enrollment that must not exceed program expenses. Upon enrollment, honey producers can use language and labeling that will be promulgated by DATCP (working with honey producers) on their products to indicate to the consumer that their product meets the standards of the program. I'd like to leave it to DATCP & the honey producers to work out the actual names/logos that they would use on their honey.
- 3) One thing we do **not** want to happen is to prohibit producers who do not enroll in the program from selling their product in Wisconsin. The goal is to have a standard to identify what honey is (the codex) and to create a state program to indicate to consumers that the product they are purchasing adheres to that standard (the certified wi honey program/something special from wi/whatever they decide to name it).

Let me know if you have any questions!

Sean R. Hadorn
Legislative Aide
Rep. Phil Garthwaite
49th Assembly District
(608) 266-1170
(888) 872-0049

9/9/09 Sean Haden/Barbara

Redraft LRB-3029/P1:

1. Keep "certified honey" require DATCP to analyze sample to determine whether sample complies with Codex definition of honey as condition of using "certified honey" designation.
2. DATCP must calculate fee for analysis that is sufficient to cover cost of analysis.



In: 9/10/09 Wanted: Friday 9/18/09

State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3029/PT RMNR

CTS:cjs:df

2009 BILL

Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Reger Cat

establish criteria and testing for Wisconsin

Wisconsin

the

INS
A

AN ACT to create 100.187 of the statutes; relating to: requiring the Department of Agriculture, Trade and Consumer Protection to promulgate a rule defining certified honey, prohibiting the labeling as certified honey of a product that does not meet criteria specified in the rule, and requiring the exercise of rule-making authority.

and making an appropriation

Analysis by the Legislative Reference Bureau

This bill requires the Department of Agriculture, Trade and Consumer Protection (DATCP) to promulgate a rule establishing criteria for labeling honey produced in this state as certified honey. The criteria must be consistent with the standard for honey under the Codex Alimentarius of the Food and Agriculture Organization of the United Nations and the World Health Organization.

The bill prohibits labeling a product as certified honey or implying that a product is certified honey, unless the product meets the criteria established in the rule promulgated by DATCP.

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:

2

INS
2-1

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SECTION 1. 100.187 of the statutes is created to read:

100.187 Certified honey; rule, prohibition. (1) The department shall promulgate ^{Wisconsin} a rule establishing criteria for labeling honey produced in this state as certified honey. The criteria established in the rule ^{rules that do all of the following:} shall be consistent with the standard for honey under the Codex Alimentarius of the Food and Agriculture Organization of the United Nations and the World Health Organization, number 12-1981, as revised in 2001.

(2) No person may label a product as ^{Wisconsin} certified honey or imply that a product is certified honey unless the product meets the criteria established in the rule ^{promulgated under sub. (1).}

(END)

has been tested by the department and

INS
2-7

INS
2-10

1 **Insert A:**

This bill requires the Department of Agriculture, Trade and Consumer Protection (DATCP) to promulgate rules that establish criteria for labeling honey produced in this state as Wisconsin certified honey and create a program for testing honey samples to determine whether they meet the criteria specified in the rule. The criteria for Wisconsin certified honey must be consistent with the standard for honey under the Codex Alimentarius of the Food and Agriculture Organization of the United Nations and the World Health Organization. The bill prohibits labeling a product as Wisconsin certified honey or implying that a product is Wisconsin certified honey, unless the product meets the criteria established in the rule promulgated by DATCP. Under the bill, DATCP investigates violations of the prohibition and may bring an action to enjoin violations.

Also under the bill, DATCP must set a fee for testing honey samples based on the cost of testing and enforcement. The bill appropriates the fees to DATCP for testing and enforcement expenses.

2 **Insert 2-1:**

3 **SECTION 1.** 20.115 (1) (hp) of the statutes is created to read:

4 20.115 (1) (hp) *Honey testing.* All moneys received ^{from fees} for honey testing under s.
5 100.187, for the expenses of honey testing under s. 100.187.

6 **Insert 2-7:**

7 (b) Create a program for testing a sample submitted to the department by a
8 person who intends to sell honey ^{produced} in this state to determine whether the sample meets
9 the criteria established under par. (a). ^{as Wisconsin certified honey}

10 (c) Establish a fee for testing a sample under par. (b). The department shall
11 base the amount of the fee on the cost to the department of implementing the testing
12 program under par. (b) and carrying out enforcement under sub. (2).

13 **Insert 2-10:**

1 The department shall investigate violations of this section and may bring an action
2 for temporary or permanent injunctive or other relief in any circuit court for a
3 violation of this section.

Hadorn, Sean

From: Dietmann, Paul J - DATCP [Paul.Dietmann@Wisconsin.gov]
Sent: Thursday, September 17, 2009 12:01 AM
To: Hadorn, Sean
Cc: Moll, Keeley A - DATCP
Subject: RE: Honey Bill Draft
Follow Up Flag: Follow up
Flag Status: Completed

Hi Sean,

This version is much different than what we discussed. The way I read this draft, if a beekeeper leaves the word "certified" off of their label, they could sell their honey--or some blend of honey and high-fructose corn syrup, for example-- as "honey" without having it tested or worrying about the product meeting the codex definition. Another way of reading the draft is that all honey sold in Wisconsin will have to be tested and certified, and all beekeepers selling honey in the state will have to pay to have their products tested. Either way, it doesn't achieve the goals the WI Honey Producers set out when we met with them earlier this year. Also, this draft would really complicate the issue for DATCP and require us to get more staff involved to figure out how we're going to make it work.

It seems that the drafter doesn't quite understand the goals here. The Honey Producers are primarily asking that any product being sold in Wisconsin as honey truly is "honey," as defined by the standard established under the Codex Alimentarius. That's it. It doesn't have to be Wisconsin-certified and doesn't have to be tested, nor were they asking that DATCP provide honey police to patrol grocery stores looking for phoney honey. The Honey Producers DO want the ability for a beekeeper to pull a suspect product off a grocery store shelf, send it to a lab for testing, and file a civil suit against the seller if the product doesn't meet Wisconsin's definition of honey. They just need us to codify the definition so they have something to point to in court.

A secondary goal of the Honey Producers is to create a Wisconsin-certified honey program similar to the Something Special from Wisconsin Program. Honey producers or processors from other states could still sell their products in Wisconsin but would not be able to get the certification.

I know you understand all of this but it doesn't seem like the drafter gets it yet.

Thanks for your work on this, Sean. Let me know what we can do to help get the draft into better shape.

Paul

From: Hadorn, Sean [Sean.Hadorn@legis.wisconsin.gov]
Sent: Wednesday, September 16, 2009 10:36 AM
To: Dietmann, Paul J - DATCP
Subject: Honey Bill Draft

Hi Paul,

I've attached the latest version of the Honey Bill. Let me know what you think and if you have any problems with it.

Sean R. Hadorn
Legislative Aide
Rep. Phil Garthwaite

9/29/2009

9/29 meeting re: honey redraft

Redraft LRB-3029/1:

1. Change DATCP testing to independent testing consistent w/ procedures established by DATCP rule.
2. Add prohibition on sale of product as honey if product does not meet DATCP (i.e., Codex) definition of honey. Create private right of action to recover actual damages or \$1,000, whichever is greater, plus atty fees.



lu: 10/7 wanted: ~~SHOW~~ TODAY

State of Wisconsin
2009 - 2010 LEGISLATURE

2
LRB-3029/T R-MNR

CTS:cjs:RB

Stays

2009 BILL

Reger Cat

standards for products sold as

has not been determined
to meet the standards

1 AN ACT to create 20.115 (1) (hp) and 100.187 of the statutes; relating to:

2 requiring the Department of Agriculture, Trade and Consumer Protection to

3 establish criteria and testing for Wisconsin certified honey, prohibiting the

4 labeling as Wisconsin certified honey of a product that does not meet the

5 criteria, requiring the exercise of rule-making authority, and making an

6 appropriation. prohibiting the labeling as honey of a product that does not meet the standards, and

Analysis by the Legislative Reference Bureau

This bill requires the Department of Agriculture, Trade and Consumer Protection (DATCP) to promulgate rules that establish criteria for labeling honey produced in this state as Wisconsin certified honey and create a program for testing honey samples to determine whether they meet the criteria specified in the rules. The criteria for Wisconsin certified honey must be consistent with the standard for honey under the Codex Alimentarius of the Food and Agriculture Organization of the United Nations and the World Health Organization. The bill prohibits labeling a product as Wisconsin certified honey or implying that a product is Wisconsin certified honey, unless the product meets the criteria established in the rules promulgated by DATCP. Under the bill, DATCP investigates violations of the prohibition and may bring an action to enjoin violations.

Also under the bill, DATCP must set a fee for testing honey samples based on the cost of testing. The bill appropriates the fees to DATCP for testing expenses.

INS
A

BILL

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:

1

SECTION 1. 20.115 (1) (hp) of the statutes is created to read:

2

20.115 (1) (hp) *Honey testing*. All moneys received from fees for honey testing

3

under s. 100.187, for the expenses of honey testing under s. 100.187.

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SECTION 2. ^{standards} 100.187 of the statutes is created to read:

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^{Sale of honey and} 100.187 ^B Wisconsin certified honey; rules, prohibition. (1) The

6

department shall promulgate rules that do all the following: ^{products sold as honey that are}

7

(a) Establish ^{criteria} for labeling honey produced in this state as Wisconsin

8

certified honey. The criteria established in the rules shall be consistent with the

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standard for honey under the Codex Alimentarius of the Food and Agriculture

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Organization of the United Nations and the World Health Organization, number

11

12-1981, as revised in 2001.

12

(b) Create a program for testing a sample submitted to the department by a

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person who intends to sell honey produced in this state as Wisconsin certified honey

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to determine whether the sample meets the ^{criteria} established under par. (a). ^{by persons who intend}

15

(c) Establish a fee for testing a sample under par. (b). The department shall

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base the amount of the fee on the cost to the department of implementing the testing

17

program under par. (b).

18

(2) No person may label a product as Wisconsin certified honey or imply that

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a product is Wisconsin certified honey unless ^(a) the product has been tested by the

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department and meets the criteria established in the rules promulgated under sub. ^{standards}

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(1). The department shall investigate violations of this section and may bring an

determined to meet the standards established under sub. (1)(a) by a laboratory whose testing procedures meet standards established under sub. (1)(b).

BILL

①

action for temporary or permanent injunctive or other relief in any circuit court for

②

a violation of this section.

3

(END)

INS
3-2

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3029/2ins
CTS:.....

1

Insert A:

the testing
by

This bill requires the Department of Agriculture, Trade and Consumer Protection (DATCP) to promulgate rules that establish standards for products sold as honey and standards for private laboratories of samples submitted by persons who wish to sell honey produced in this state as Wisconsin certified honey. The standards for honey must be consistent with the standard for honey under the Codex Alimentarius of the Food and Agriculture Organization of the United Nations and the World Health Organization.

The bill prohibits labeling a product as Wisconsin certified honey or implying that a product is Wisconsin certified honey, unless the product has been determined by testing to meet the standards established by DATCP, DATCP has approved a summary of the testing, and the product was produced in this state. Under the bill, DATCP investigates violations of this prohibition and may bring an action to enjoin violations.

The bill also prohibits labeling a product as honey or implying that a product is honey, unless the product meets the standards established by DATCP. Any person who suffers damages as a result of a violation of the second prohibition may bring an action against the violator to recover the amount of the person's damages or \$1,000, whichever is greater, plus reasonable attorney fees.

this

2

Insert 3-2:

3

2. A summary of the results of the testing performed under subd. 1. have been

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submitted to the department and approved by the department.

5

3. The product was produced in this state. ✓

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(b) The department shall investigate violations of this subsection and may ✓

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bring an action for permanent or temporary injunctive or other relief in any circuit

8

court against a person who violates this subsection. ✓

9

(3) (a) No person may label a product as honey or imply that a product is honey

10

unless the product meets the standards established under sub. (1) (a). ✓

11

(b) Any person who suffers damages as a result of a violation of this subsection ✓

12

may bring an action for damages against the violator for the amount of the person's

13

damages or \$1,000, whichever is greater. Notwithstanding s. 814.04 (1), a court shall

1 award to a prevailing plaintiff in an action under this paragraph reasonable attorney
2 fees. ✓

Duerst, Christina

From: Hadorn, Sean
Sent: Monday, November 09, 2009 1:37 PM
To: LRB.Legal
Subject: EXTREME RUSH: Draft Review: LRB 09-3029/2 Topic: Voluntary certified honey production standards

This is extremely urgent.
Please Jacket LRB 09-3029/2 for the ASSEMBLY.