

2013 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB182)

Received: **4/24/2013** Received By: **btradewe**
Wanted: **As time permits** Same as LRB:
For: **Janis Ringhand (608) 266-1192** By/Representing: **Maggie Gau**
May Contact: Drafter: **btradewe**
Subject: **Agriculture - food safety** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Ringhand@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Sales of home baked and home canned foods

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>
/?	btradewe 4/25/2013	scalvin 4/25/2013	rschlue 4/25/2013	_____			
/P1	btradewe 7/8/2013			_____	srose 4/25/2013		State
/P2	btradewe 7/29/2013	jdyer 7/10/2013	jfrantze 7/10/2013	_____	sbasford 7/10/2013		
/P3	btradewe	scalvin	jmurphy	_____	srose		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	8/15/2013	8/2/2013	8/2/2013	_____	8/2/2013		
/1		jdye 8/15/2013	jfrantze 8/15/2013	_____	mbarman 8/15/2013	mbarman 8/15/2013	

FE Sent For:

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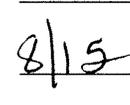
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/P3		scalvin	jmurphy	_____	srose		

Vers. Drafted

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8/2/2013

Typed
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Proofed

Submitted
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Jacketed

Required

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FE Sent For: *1P3 sac*
08/02/2013 
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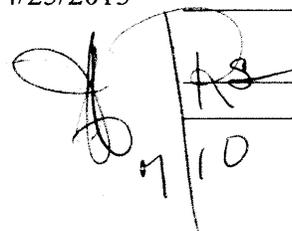
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/P1		P2 7/10 jld			srose 4/25/2013		State

FE Sent For:

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2013 DRAFTING REQUEST

AB 182

Assembly Substitute Amendment (ASA-AB(LRBx1126/1))

Received: 4/24/2013 Received By: btradewe
Wanted: As time permits Same as LRB:
For: Janis Ringhand (608) 266-1192 By/Representing: Maggie Gau
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/? btradewe

/Pl sac
04/25/2013

Handwritten circled '1' and '2513' with a signature.

Handwritten signature.

FE Sent For:

<END>

Tradewell, Becky

From: Gau, Maggie
Sent: Wednesday, April 24, 2013 3:20 PM
To: Tradewell, Becky
Subject: Cookie Bill Amendment - LRBa0261/P2
Attachments: 13a0261_P2 (2).pdf

Hey Becky,

Two quick fixes:

- 1) Can we edit lines 3-6 on page one – so that it just says that face to face sales are prohibited. We've decided to eliminate the provisions about selling on a sidewalk or roadside. *9/ door to door (per Maggie)*
- 2) Can we make this a substitute amendment? (Let's keep it a P-draft for now – but I think this should be our last version!)

Thank you so much for all your flexibility and work on this. We really appreciate it!

Maggie

Maggie Gau
Office of Rep. Janis Ringhand
608.266.1192 or 1.888.534.0045
Room 321 West - State Capitol



State of Wisconsin
2013 - 2014 LEGISLATURE

50041/PL



LRB-1126/1

RCT:sac/m

Stays

rmnr

Today

A Substitute Amendment
To **2013 BILL** (LRB-1126/1)

WPS: check for hidden notes

please regenerate

1 **AN ACT to repeal** 97.29 (2) (b) 2. b.; **to amend** 97.29 (2) (b) 2. (intro.), 97.29 (2)
2 (b) 2. c., 97.29 (6) (title) and 97.29 (6) (b); and **to create** 97.29 (1) (he), 97.29 (1)
3 (j) and 97.29 (2) (b) 3. of the statutes; **relating to:** the sale of homemade baked
4 goods and homemade canned goods.

Analysis by the Legislative Reference Bureau

Current law requires food processing plant licenses from the Department of Agriculture, Trade and Consumer Protection (DATCP) for certain facilities at which food is manufactured or prepared for sale through processes such as baking, canning, freezing, and bottling, with specified exemptions.

This bill provides an exemption from the requirement to obtain a food processing plant license for the face-to-face sale of nonhazardous homemade baked goods to consumers by a person who receives less than \$10,000 per year from the sale of the food, registers with DATCP, and complies with requirements concerning labeling and signage. A baked good is nonhazardous if it is acidic or has a low amount of moisture and will not support the growth of dangerous organisms.

Current law provides an exemption from the requirement to obtain a food processing plant license for the sale of food products, such as pickles, that are prepared and canned by a person at home if certain requirements are met. Under current law, the sales of the canned products must take place at a community or social event or a farmer's market. This bill replaces that requirement with a requirement that the sales be face-to-face sales to consumers. Under current law, the exemption only applies if the person receives less than \$5,000 per year from the

Substitute amendment

*

Substitute amendment

Substitute amendment

The bill prohibits door to door sales under the exemption

but prohibits door to door sales

BILL

substitute amendment

The bill also requires DATCP to provide information about the kinds of foods that may be sold without a food processing license and about food safety.
Under this ~~bill~~ *substitute amendment* the exemption applies if the person receives less than \$10,000 per year from the sales.

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.** 97.29 (1) (he) of the statutes is created to read:

2 97.29 (1) (he) "Nonhazardous baked goods" means baked goods that either
3 have a water activity value of 0.85 or less or an equilibrium pH value of 4.6 or lower,
4 that will not, in whole or part, support growth of or toxin formation by pathogenic
5 microorganisms, and that do not, in whole or part, contain pathogenic organisms at
6 a level sufficient to cause illness when the food is consumed.

7 **SECTION 2.** 97.29 (1) (j) of the statutes is created to read:

8 97.29 (1) (j) "Water activity value" means a measure of free moisture in a food
9 product, calculated by dividing the water vapor pressure of the food product by the
10 vapor pressure of pure water at the same temperature.

11 **SECTION 3.** 97.29 (2) (b) 2. (intro.) of the statutes is amended to read:

12 97.29 (2) (b) 2. (intro.) A person is not required to obtain a license under this
13 section to sell at retail, through face-to-face sales to consumers, food products that
14 the person prepares and cans at home in this state if all of the following apply:

15 *Insert 2-15* → **SECTION 4.** 97.29 (2) (b) 2. b. of the statutes is repealed. *f*

16 **SECTION 5.** 97.29 (2) (b) 2. c. of the statutes is amended to read:

17 97.29 (2) (b) 2. c. The person receives less than ~~\$5,000~~ \$10,000 in gross receipts
18 per year from the sale of the food products.

Insert 2-18 → **SECTION 6.** 97.29 (2) (b) 3. of the statutes is created to read:

BILL

1 97.29 (2) (b) 3. A person is not required to obtain a license under this section
2 to sell, through face-to-face sales to consumers, food products that the person
3 prepares and bakes at home in this state if all of the following apply:

- 4 a. The food products are nonhazardous baked goods.
- 5 b. The person registers with the department.
- 6 c. The person receives less than \$10,000 in gross receipts per year from the sale
7 of the nonhazardous baked goods.

8 d. Each food product that is sold is labeled with the name, address, and contact
9 information of the person who prepared and baked the food product, the date on
10 which the food product was baked, the statement "This product was made in a
11 private home not subject to state licensing or inspection.", and a list of ingredients
12 in descending order of prominence. If any ingredient originates from milk, eggs, fish,
13 crustacean shellfish, tree nuts, wheat, peanuts, or soybeans, the list of ingredients
14 shall include the common name of the ingredient.

Insert 3-14

15 e. The person displays a sign at the place of sale stating: "These baked goods
16 are homemade and not subject to state inspection."

Insert 3-16

17 SECTION 7. 97.29 (6) (title) of the statutes is amended to read:

18 97.29 (6) (title) INFORMATION ABOUT HOME CANNING AND BAKING.

Insert 3-18

19 SECTION 8. 97.29 (6) (b) of the statutes is amended to read:

20 97.29 (6) (b) The department, in cooperation with the University of
21 Wisconsin-Extension, shall attempt to maximize the availability of information and
22 technical services and support for persons who wish to home prepare and home can
23 ~~low-acid~~ high-acid and acidified food products and persons who register under sub.
24 (2) (b) 3. b. to sell nonhazardous baked goods.

(END)

Insert 3-20



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL (LRB-1126/1)

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 15: delete that line and substitute:

3 ~~SECTION 45.~~ 97.29 (2) (b) 2. b. of the statutes is repealed and recreated to read:

4 97.29 (2) (b) 2. b. The person does not sell the food products on a sidewalk or
5 a roadside, except as a participant in a farmers' market or other community event,
6 and does not sell the food products door-to-door.

7 **2.** Page 2, line 18: after that line insert:

8 ~~SECTION 51.~~ 97.29 (2) (b) 2. e. of the statutes is amended to read:

9 97.29 (2) (b) 2. e. Each container of food product that is sold is labeled with the
10 name and address of the person who prepared and canned the food product, the date
11 on which the food product was canned, the statement "This product was made in a
12 private home not subject to state licensing or inspection.", and a list of ingredients

*Insert
2-15*

*Insert
2-18*

↓



1 in descending order of prominence. If any ingredient originates from milk, eggs, fish,
2 crustacean shellfish, tree nuts, wheat, peanuts, or soybeans, the list of ingredients
3 shall include the common name of the ingredient and, if the ingredient originates
4 from fish, crustacean shellfish, or tree nuts, the common name of the source species."

end of inset 2-18

5 **3.** Page 3, line 14: after "ingredient" insert "and, if the ingredient originates
6 from fish, crustacean shellfish, or tree nuts, the common name of the source species."

Inset 3-14

7 **4.** Page 3, line 16: after that line insert:

8 "f. The person does not sell the food products door-to-door, ~~on a sidewalk, or~~
9 on a roadside."

Inset 3-16

10 **5.** Page 3, line 18: after that line insert:

11 "~~SECTION 7n.~~ 97.29 (6) (a) of the statutes is amended to read:

12 97.29 (6) (a) The department shall encourage persons to whom the exemption
13 in sub. (2) (b) 2. applies to attend and complete training, ~~that is approved by the~~
14 ~~department,~~ concerning preparing and canning foods and to have their recipes and
15 processes reviewed by a person who is knowledgeable about the food canning
16 industry ~~and who is recognized by the department as an authority on preparing and~~
17 ~~canning food.~~ The department shall encourage persons who register under sub. (2)
18 (b) 3. b. to attend and complete training concerning preparing nonhazardous baked
19 goods and to have their recipes and processes reviewed by a person who is
20 knowledgeable about the baking industry."

Inset 3-18

21 **6.** Page 3, line 20: delete lines 20 to 24 and substitute:

22 "97.29 (6) (b) The department shall provide information about the kinds of
23 foods that may be sold under sub. (2) (b) 2. and 3. and about food safety to persons
24 who wish to home prepare and home can high-acid and acidified food products or to

Inset 3-20





1 sell home baked goods. The department, in cooperation with the University of
2 Wisconsin-Extension, shall attempt to maximize the availability of other
3 information and technical services and support for persons who wish to home
4 prepare and home can ~~low-acid~~ high-acid and acidified food products and persons
5 who register under sub. (2) (b) 3. b. to sell nonhazardous baked goods."

end of
insert 3-5-20

6

(END)

Tradewell, Becky

From: Gau, Maggie
Sent: Tuesday, July 02, 2013 5:43 PM
To: Tradewell, Becky
Subject: Cookie Bill Sub
Attachments: 13s0041_P1.pdf

Hey Becky,

Now that the budget is over, back to working on this bill and it's ever-growing amendment ☺

If we can get the following changes to the sub (keeping it in P: Draft form please). I've attached the last copy we received from you.

- 1) Include a provision that states that products may not be sold to retail outlets for resale to consumers.
- see next week* 2) Include an allergen statement – "Contains:" after the ingredient list. The "Contains:" statement must reflect all the allergens in the product.
- 3) DATCP must also provide information to registrants about safe warehousing practices for baked goods, ingredients and packaging materials.
- 4) DATCP has the ability and authority to suspend participants from the program if they violate the rules/guidelines.

If you have any questions – please let me know! I will be out of town the rest of the week – but I will get back to you right away next week if you have any.

As always, thank you so much for all of your work on and flexibility with this.
Maggie

Maggie Gau
Office of Rep. Janis Ringhand
608.266.1192 or 1.888.534.0045
Room 321 West - State Capitol

Tradewell, Becky

From: Gau, Maggie
Sent: Monday, July 08, 2013 3:13 PM
To: Tradewell, Becky
Subject: RE: Cookie Bill Sub

Thanks for the info, Becky. This is great – very thorough.

1. I know it's not necessary – but let's add the "for personal consumption and not for re-sale". This provision is at the request of one of our stakeholders and I think we'll put it in there for now.
2. After reading your comments, let's leave it as is (and not add the provision I suggested on Tuesday). We don't want to create a law more strict than current state and federal law.

Thank you again!
Maggie

Maggie Gau
Office of Rep. Janis Ringhand
608.266.1192 or 1.888.534.0045
Room 321 West - State Capitol

From: Tradewell, Becky
Sent: Wednesday, July 03, 2013 4:35 PM
To: Gau, Maggie
Subject: RE: Cookie Bill Sub

Maggie,

Some comments and questions on two of the redraft instructions:

1. The draft currently makes an exemption (from the licensing requirement) that applies only to face-to-face sales to consumers by the person who baked the food at home, so any sales to retailers would still require a license. The statutes do not prohibit things that are clearly not allowed, so I really can't add a provision stating that products may not be sold to retail outlets. If something additional is wanted, I could add, on page 3, line 16, after "consumers," something like "for personal consumption and not for resale," but that really doesn't seem necessary.
2. Federal law requires food labels to disclose when a food is made with what is called a "major food allergen." Federal law does not include special requirements for all possible allergens, because there are many rare food allergies. According to the FDA, the major food allergens account for 90 percent of all food allergies. The major food allergens are the ingredients listed in the draft on page 4, lines 1 to 4. According to the federal Food and Drug Administration, the federal law gives food manufacturers a choice in how they identify the major food allergens. They may either be listed in the ingredient list or in a separate statement that begins with "Contains." This Internet page explains the federal requirements:

<http://www.foodsafety.gov/blog/foodallergy2011.html>

As drafted, the requirement in the substitute amendment is consistent with the allergen labeling requirements in federal law. It is also consistent with the requirement in DATCP's rules for food processing plants, see s. ATCP 70.10 (5) (3), Wisconsin Administrative Code. Do you want me to change the draft so that instead of the language at page 4, lines 1 to 4, it requires the use of a statement beginning with "contains"?

I have no questions or comments about the other two proposed changes.

Please let me know if you have any questions for me.

Becky Tradewell
266-7290

From: Gau, Maggie
Sent: Tuesday, July 02, 2013 5:43 PM
To: Tradewell, Becky
Subject: Cookie Bill Sub

Hey Becky,

Now that the budget is over, back to working on this bill and it's ever-growing amendment ☺

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- no 2) Include an allergen statement – "Contains:" after the ingredient list. The "Contains:" statement must reflect all the allergens in the product.
- ✓ 3) DATCP must also provide information to registrants about safe warehousing practices for baked goods, ingredients and packaging materials.
- 4) DATCP has the ability and authority to suspend participants from the program if they violate the rules/guidelines.

If you have any questions – please let me know! I will be out of town the rest of the week – but I will get back to you right away next week if you have any.

As always, thank you so much for all of your work on and flexibility with this.

Maggie

Maggie Gau
Office of Rep. Janis Ringhand
608.266.1192 or 1.888.534.0045
Room 321 West - State Capitol

Have Food Allergies? Read the Label

Posted May 10, 2011 | [Read 2 comments](#)

By Rhonda Kane, Consumer Safety Officer, Food Labeling & Standards Staff, FDA

Since 2006, it has been much easier for people allergic to certain foods to avoid packaged products that contain them. This is because a federal law requires that the labels of most packaged foods marketed in the U.S. disclose in simple-to-understand terms when they are made with a major food allergen.

Eight foods, and ingredients containing their proteins, are defined as “major food allergens.” These foods account for 90 percent of all food allergies:

- Milk
- Egg
- Fish, such as bass, flounder, or cod
- Crustacean shellfish, such as crab, lobster, or shrimp
- Tree nuts, such as almonds, pecans, or walnuts
- Wheat
- Peanuts
- Soybeans

The law allows manufacturers a choice in how they identify the specific “food source names,” such as “milk,” “cod,” “shrimp,” or “walnuts,” of the major food allergens on the label. They must be declared in one of the following:

- The ingredient list, such as “casein (milk)” or “nonfat dry milk.”
- A separate “Contains” statement, such as “Contains milk,” placed immediately after or next to the ingredient list.

So first look for the “Contains” statement. If your allergen is listed, put the product back on the shelf. If there is no “Contains” statement, it’s very important to read the *entire* ingredient list to see if your allergen is present. If you see its name even once, it’s back to the shelf for that food too.

“Contains” and “May Contain” Have Different Meanings

If a “Contains” statement appears on a food label, it must include the food source names of all major food allergens used as ingredients. For example, if “whey,” “egg yolks,” and a “natural flavor” that contained peanut proteins are listed as ingredients, the “Contains” statement must identify the words “milk,” “egg,” and “peanuts.”

Some manufacturers voluntarily include a “may contain” statement on their labels when there is a chance that a food allergen could be present. A manufacturer might use the same equipment to

make different products. Even after cleaning this equipment, a small amount of an allergen (such as peanuts) that was used to make one product (such as cookies) may become part of another product (such as crackers). In this case, the cracker label might state “may contain peanuts.”

Be aware that the “may contain” statement is voluntary. You still need to read the ingredient list to see if the product contains your allergen.

When In Doubt, Leave It Out

Manufacturers can change their products’ ingredients at any time, so it’s a good idea to check the ingredient list *every time* you buy the product—even if you have eaten it before and didn’t have an allergic reaction.

If you’re unsure about whether a food contains any ingredient to which you are sensitive, don’t buy the product, or check with the manufacturer first to ask what it contains. We all want convenience, but it’s not worth playing Russian roulette with your life or that of someone under your care.

For more information, check out [Food Allergies: What You Need to Know](#).

<http://www.foodsafety.gov/blog/foodallergy2011.html>



State of Wisconsin
2013 - 2014 LEGISLATURE

SOON (in 7/8)



LRBs0041/P# 2
RCT:sac:rs rmf
L & Jld

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,
TO ASSEMBLY BILL 182**

✓ Regen

1 AN ACT to amend 97.29 (2) (b) 2. (intro.), 97.29 (2) (b) 2. c., 97.29 (2) (b) 2. e., 97.29
2 (6) (title), 97.29 (6) (a) and 97.29 (6) (b); to repeal and recreate 97.29 (2) (b)
3 2. b.; and to create 97.29 (1) (he), 97.29 (1) (j) and 97.29 (2) (b) 3. of the statutes;
4 relating to: the sale of homemade baked goods and homemade canned goods.

Analysis by the Legislative Reference Bureau

Current law requires food processing plant licenses from the Department of Agriculture, Trade and Consumer Protection (DATCP) for certain facilities at which food is manufactured or prepared for sale through processes such as baking, canning, freezing, and bottling, with specified exemptions.

This substitute amendment provides an exemption from the requirement to obtain a food processing plant license for the face-to-face sale of nonhazardous homemade baked goods to consumers by a person who receives less than \$10,000 per year from the sale of the food, registers with DATCP, and complies with requirements concerning labeling and signage. A baked good is nonhazardous if it is acidic or has a low amount of moisture and will not support the growth of dangerous organisms. The substitute amendment prohibits door to door sales under the exemption.

Current law provides an exemption from the requirement to obtain a food processing plant license for the sale of food products, such as pickles, that are

prepared and canned by a person at home if certain requirements are met. Under current law, the sales of the canned products must take place at a community or social event or a farmer's market. This substitute amendment replaces that requirement with a requirement that the sales be face-to-face sales to consumers, but prohibits door to door sales. Under current law, the exemption only applies if the person receives less than \$5,000 per year from the sale of the canned products. Under this substitute amendment, the exemption applies if the person receives less than \$10,000 per year from the sales.

The substitute amendment also requires DATCP to provide information about the kinds of foods that may be sold without a food processing license ^{and} about food safety. *Analysis insert*

Comma

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. 97.29 (1) (he) of the statutes is created to read:

2 97.29 (1) (he) "Nonhazardous baked goods" means baked goods that either
3 have a water activity value of 0.85 or less or an equilibrium pH value of 4.6 or lower,
4 that will not, in whole or part, support growth of or toxin formation by pathogenic
5 microorganisms, and that do not, in whole or part, contain pathogenic organisms at
6 a level sufficient to cause illness when the food is consumed.

7 SECTION 2. 97.29 (1) (j) of the statutes is created to read:

8 97.29 (1) (j) "Water activity value" means a measure of free moisture in a food
9 product, calculated by dividing the water vapor pressure of the food product by the
10 vapor pressure of pure water at the same temperature.

11 SECTION 3. 97.29 (2) (b) 2. (intro.) of the statutes is amended to read:

12 97.29 (2) (b) 2. (intro.) A person is not required to obtain a license under this
13 section to sell at retail, through face-to-face sales to consumers, food products that
14 the person prepares and cans at home in this state if all of the following apply:

15 SECTION 4. 97.29 (2) (b) 2. b. of the statutes is repealed and recreated to read:

1 97.29 (2) (b) 2. b. The person does not sell the food products door-to-door.

2 SECTION 5. 97.29 (2) (b) 2. c. of the statutes is amended to read:

3 97.29 (2) (b) 2. c. The person receives less than ~~\$5,000~~ \$10,000 in gross receipts
4 per year from the sale of the food products.

5 SECTION 6. 97.29 (2) (b) 2. e. of the statutes is amended to read:

6 97.29 (2) (b) 2. e. Each container of food product that is sold is labeled with the
7 name and address of the person who prepared and canned the food product, the date
8 on which the food product was canned, the statement "This product was made in a
9 private home not subject to state licensing or inspection.", and a list of ingredients
10 in descending order of prominence. If any ingredient originates from milk, eggs, fish,
11 crustacean shellfish, tree nuts, wheat, peanuts, or soybeans, the list of ingredients
12 shall include the common name of the ingredient and, if the ingredient originates
13 from fish, crustacean shellfish, or tree nuts, the common name of the source species.

14 SECTION 7. 97.29 (2) (b) 3. of the statutes is created to read:

15 97.29 (2) (b) 3. A person is not required to obtain a license under this section
16 to sell, through face-to-face sales to consumers, ^{Insert 3-16✓} food products that the person
17 prepares and bakes at home in this state if all of the following apply:

18 a. The food products are nonhazardous baked goods.

19 b. The person registers with the department.

20 c. The person receives less than \$10,000 in gross receipts per year from the sale
21 of the nonhazardous baked goods.

22 d. Each food product that is sold is labeled with the name, address, and contact
23 information of the person who prepared and baked the food product, the date on
24 which the food product was baked, the statement "This product was made in a
25 private home not subject to state licensing or inspection.", and a list of ingredients

1 in descending order of prominence. If any ingredient originates from milk, eggs, fish,
2 crustacean shellfish, tree nuts, wheat, peanuts, or soybeans, the list of ingredients
3 shall include the common name of the ingredient and, if the ingredient originates
4 from fish, crustacean shellfish, or tree nuts, the common name of the source species.

5 e. The person displays a sign at the place of sale stating: "These baked goods
6 are homemade and not subject to state inspection."

f. The person does not sell the food products door-to-door.

7 **SECTION 8.** 97.29 (6) (title) of the statutes is amended to read:

8 97.29 (6) (title) INFORMATION ABOUT HOME CANNING AND BAKING.

9 **SECTION 9.** 97.29 (6) (a) of the statutes is amended to read:

10 97.29 (6) (a) The department shall encourage persons to whom the exemption
11 in sub. (2) (b) 2. applies to attend and complete training, ~~that is approved by the~~
12 ~~department,~~ concerning preparing and canning foods and to have their recipes and
13 processes reviewed by a person who is knowledgeable about the food canning
14 industry and ~~who is recognized by the department as an authority on preparing and~~
15 ~~canning food.~~ The department shall encourage persons who register under sub. (2)
16 (b) 3. b. to attend and complete training concerning preparing nonhazardous baked
17 goods and to have their recipes and processes reviewed by a person who is
18 knowledgeable about the baking industry.

19 **SECTION 10.** 97.29 (6) (b) of the statutes is amended to read:

20 97.29 (6) (b) The department shall provide information about the kinds of foods
21 that may be sold under sub. (2) (b) 2. and 3. ³ and ⁵ about food safety ^{Insert 4-22 ✓} to persons who wish
22 to home prepare and home can high-acid and acidified food products or to sell home
23 baked goods. The department, in cooperation with the University of
24 Wisconsin-Extension, shall attempt to maximize the availability of other
25

Insert 7 ✓
4-7

22

1 information and technical services and support for persons who wish to home
2 prepare and home can ~~low-acid~~ high-acid and acidified food products and persons
3 who register under sub. (2) (b) 3. b. to sell nonhazardous baked goods.

4

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0041/P2ins
RCT:.....

1 **Analysis insert**

2 ~~NO~~ , and about safe storage of baked goods, ingredients, and packaging materials ~~NO~~

3 **Insert 3-16**

4 ~~NO~~ for personal consumption and not for resale ~~NO~~

5 **Insert 4-7**

6 **SECTION 1.** 97.29 (2) (be)^x of the statutes is created to read:

7 97.29 (2) (be) *Suspension of registration.*[✓] The department[✓] may suspend the
8 registration under par. (b) 3. b.[✓] of a person who violates par. (b) 3.[✓]

9 **Insert 4-22**

10 ~~NO~~ , and about safe storage of baked goods, ingredients, and packaging materials ~~NO~~

(end ins 4-22)

Tradewell, Becky

From: Gau, Maggie
Sent: Tuesday, July 16, 2013 2:45 PM
To: Tradewell, Becky
Subject: RE: Cookie Bill Sub

I promise we're almost done with the sub. I feel horrible constantly asking for all these changes!

- ✓ 1) On page 4, line 6-7, can we make that language consistent with the labeling requirement – specifically the “state licensing” part. That is not required to be included on the sign at the sale of these goods – but we'd like the language to be consistent with that on the label.
- 2) After talking to DATCP, they require all their food processors to develop recall plans. In this Sub, could we also get participants to not only draft a recall plan, but to also document what they sell, when and where. DATCP will develop the tracking form that they will be required to fill out.

If you have any questions – please let me know!

Thanks!
Maggie

Maggie Gau
Office of Rep. Janis Ringhand
608.266.1192 or 1.888.534.0045
Room 321 West - State Capitol

From: Tradewell, Becky
Sent: Monday, July 08, 2013 3:13 PM
To: Gau, Maggie
Subject: RE: Cookie Bill Sub

Sounds good.

From: Gau, Maggie
Sent: Monday, July 08, 2013 3:13 PM
To: Tradewell, Becky
Subject: RE: Cookie Bill Sub

Thanks for the info, Becky. This is great – very thorough.

1. I know it's not necessary – but let's add the “for personal consumption and not for re-sale”. This provision is at the request of one of our stakeholders and I think we'll put it in there for now.
2. After reading your comments, let's leave it as is (and not add the provision I suggested on Tuesday). We don't want to create a law more strict than current state and federal law.

Thank you again!
Maggie

Maggie Gau
Office of Rep. Janis Ringhand



State of Wisconsin
 2013 - 2014 LEGISLATURE
 Soon (in 7/29)



LRBs0041/P 3
 RCT:sac&jld:jt
 VMT

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT ,
TO ASSEMBLY BILL 182

general

1 **AN ACT to amend** 97.29 (2) (b) 2. (intro.), 97.29 (2) (b) 2. c., 97.29 (2) (b) 2. e., 97.29
 2 (6) (title), 97.29 (6) (a) and 97.29 (6) (b); **to repeal and recreate** 97.29 (2) (b)
 3 2. b.; and **to create** 97.29 (1) (he), 97.29 (1) (j), 97.29 (2) (b) 3. and 97.29 (2) (be)
 4 of the statutes; **relating to:** the sale of homemade baked goods and homemade
 5 canned goods.

Analysis by the Legislative Reference Bureau

Current law requires food processing plant licenses from the Department of Agriculture, Trade and Consumer Protection (DATCP) for certain facilities at which food is manufactured or prepared for sale through processes such as baking, canning, freezing, and bottling, with specified exemptions.

This substitute amendment provides an exemption from the requirement to obtain a food processing plant license for the face-to-face sale of nonhazardous homemade baked goods to consumers by a person who receives less than \$10,000 per year from the sale of the food, registers with DATCP, and complies with requirements concerning labeling and signage. A baked good is nonhazardous if it is acidic or has a low amount of moisture and will not support the growth of dangerous organisms. The substitute amendment prohibits door to door sales under the exemption.

*

and documenting sales

Current law provides an exemption from the requirement to obtain a food processing plant license for the sale of food products, such as pickles, that are prepared and canned by a person at home if certain requirements are met. Under current law, the sales of the canned products must take place at a community or social event or a farmer's market. This substitute amendment replaces that requirement with a requirement that the sales be face-to-face sales to consumers, but prohibits door to door sales. Under current law, the exemption only applies if the person receives less than \$5,000 per year from the sale of the canned products. Under this substitute amendment, the exemption applies if the person receives less than \$10,000 per year from the sales.

The substitute amendment also requires DATCP to provide information about the kinds of foods that may be sold without a food processing license, about food safety, and about safe storage of baked goods, ingredients, and packaging materials.

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10 in descending order of prominence. If any ingredient originates from milk, eggs, fish,
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13 from fish, crustacean shellfish, or tree nuts, the common name of the source species.

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15 97.29 (2) (b) 3. A person is not required to obtain a license under this section
16 to sell, through face-to-face sales to consumers for personal consumption and not for
17 resale, food products that the person prepares and bakes at home in this state if all
18 of the following apply:

19 a. The food products are nonhazardous baked goods.

20 b. The person registers with the department.

21 c. The person receives less than \$10,000 in gross receipts per year from the sale
22 of the nonhazardous baked goods.

23 d. Each food product that is sold is labeled with the name, address, and contact
24 information of the person who prepared and baked the food product, the date on
25 which the food product was baked, the statement “This product was made in a

1 private home not subject to state licensing or inspection.”, and a list of ingredients
2 in descending order of prominence. If any ingredient originates from milk, eggs, fish,
3 crustacean shellfish, tree nuts, wheat, peanuts, or soybeans, the list of ingredients
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5 from fish, crustacean shellfish, or tree nuts, the common name of the source species.

6 e. The person displays a sign at the place of sale stating: “These baked goods
7 are homemade ^{in a private home} ~~and~~ ^{licensing or} not subject to state inspection.”

8 f. The person does not sell the food products door-to-door.

Insert →
94-8

9 SECTION 8. 97.29 (2) (be) of the statutes is created to read:

10 97.29 (2) (be) *Suspension of registration.* The department may suspend the
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6 shall attempt to maximize the availability of other information and technical
7 services and support for persons who wish to home prepare and home can ~~low-acid~~
8 high-acid and acidified food products and persons who register under sub. (2) (b) 3.
9 b. to sell nonhazardous baked goods.

10

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0041/P3ins
RCT:.....

1 **Insert 4-8**

2 g. The person has a written plan for recalling food products baked by the
3 person, should a food recall become necessary, and documents what food products the
4 person sells and when and where the sales take place) using a form specified by the
5 department.

Tradewell, Becky

From: Gau, Maggie
Sent: Wednesday, August 14, 2013 6:05 PM
To: Tradewell, Becky
Subject: LRBs0041/P3 - Cookie Bill Sub

I think we finally have it! We are ready to move from a P-draft and introduce it formally.

Thank you again for all your work on this. I know we were back and forth on what we wanted several times.

If you have any questions, please let me know.

Thanks!
Maggie

Maggie Gau
Office of Rep. Janis Ringhand
608.266.1192 or 1.888.534.0045
Room 321 West - State Capitol



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0041/P3 1
RCT:sac&jld:jm

Today

ymr

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

**ASSEMBLY SUBSTITUTE AMENDMENT,
TO ASSEMBLY BILL 182**

No changes

4 Regen

1 AN ACT *to amend* 97.29 (2) (b) 2. (intro.), 97.29 (2) (b) 2. c., 97.29 (2) (b) 2. e., 97.29
2 (6) (title), 97.29 (6) (a) and 97.29 (6) (b); **to repeal and recreate** 97.29 (2) (b)
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21 b. The person registers with the department.

22 c. The person receives less than \$10,000 in gross receipts per year from the sale
23 of the nonhazardous baked goods.

24 d. Each food product that is sold is labeled with the name, address, and contact
25 information of the person who prepared and baked the food product, the date on

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6 from fish, crustacean shellfish, or tree nuts, the common name of the source species.

7 e. The person displays a sign at the place of sale stating: “These baked goods
8 are made in a private home not subject to state licensing or inspection.”

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11 person, should a food recall become necessary, and documents what food products the
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13 b. to sell nonhazardous baked goods.

14 (END)