



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 06/18/2013 (Per: RCT)

### Appendix A

 Appendix A  The drafting file for LRB 13-0773 (used to create 13-2542)  
(Senator Grothman)

Appendix B  The drafting file for LRB 11s0260 (used to create 13-0773)  
(Senator Grothman)

has been transferred to the drafting file for

**2013 LRB-2542**

(Senator Grothman)

**2013 DRAFTING REQUEST**

**Bill**

Received: **12/7/2012** Received By: **btradewe**  
 Wanted: **As time permits** Same as LRB: **-1881 -2537**  
 For: **Glenn Grothman (608) 266-7513** By/Representing: **Lance**  
 May Contact: Drafter: **btradewe**  
 Subject: **Agriculture - food safety** Addl. Drafters:  
 Extra Copies: **TKK**

Submit via email: **YES**  
 Requester's email: **Sen.Grothman@legis.wisconsin.gov**

Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Sale of raw milk, Grade A milk standards, license exemption

**Instructions:**

Like 09s0260/P2

**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 12/10/2012	jdye 12/19/2012		_____			
/1	btradewe 1/4/2013		jmurphy 12/19/2012	_____	srose 12/19/2012		State
/2	btradewe 6/17/2013	jdye 1/5/2013	phenry 1/7/2013	_____	sbasford 1/7/2013		State
/3		jdye	rschlue	_____	mbarman		State

**LRB-0773**

6/17/2013 6:17:26 PM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		6/17/2013	6/17/2013	_____	6/17/2013		

FE Sent For:

**<END>**

**2013 DRAFTING REQUEST**

**Bill**

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/?	btradewe 12/10/2012	jdyer 12/19/2012		_____			
/1	btradewe 1/4/2013	<i>3/6/10 jld</i> jdyer 1/5/2013	jmurphy 12/19/2012	_____	srose 12/19/2012		State
/2		jdyer 1/5/2013	phenry 1/7/2013 <i>phenry</i>	_____	sbasford 1/7/2013		State

**LRB-0773**

1/7/2013 10:32:14 AM

Page 2

FE Sent For:

**<END>**

**2013 DRAFTING REQUEST**

**Bill**

Received: 12/7/2012 Received By: btradewe  
Wanted: As time permits Companion to LRB:  
For: Glenn Grothman (608) 266-7513 By/Representing: Lance  
May Contact: Drafter: btradewe  
Subject: Agriculture - food safety Addl. Drafters:  
Extra Copies: TKK

Submit via email: YES  
Requester's email: Sen.Grothman@legis.wisconsin.gov  
Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

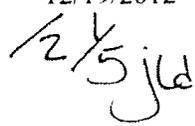
**Topic:**

Sale of raw milk, Grade A milk standards, license exemption

**Instructions:**

Like 09s0260/P2

**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 12/10/2012	jdyer 12/19/2012					
/1			12/19/2012		srose 12/19/2012		State

FE Sent For:

<END>

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 Subject: Agriculture - food safety Addl. Drafters:  
 Extra Copies: TKK

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Pre Topic:

No specific pre topic given

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/?	btradewe	T 12/19 jld		Jim + RS 12/19			

FE Sent For:

<END>

# "RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: RET) (Date: 12 / 10 / 12)

## Note:

**BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"**

(exception: companion bills)



 Please transfer the drafting file for  
**2011 LRB** 50260 (For: Rep./Sen. Grethman)  
to the drafting file for

**2013 LRB** -0773 (For: Rep./Sen. Grethman)

-----OR-----

 Please copy the drafting file for  
**2013 LRB** Done (For: Rep./Sen. MB)  
and place it in the drafting file for

**2013 LRB** MB (For: Rep./Sen. MB)

 Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: \_\_\_\_\_



State of Wisconsin  
2011 - 2012 LEGISLATURE

In 12/10



0773/1

LRB0260/P2  
RCT: vlljm

18117

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
SENATE SUBSTITUTE AMENDMENT,  
2013 TO 2011 SENATE BILL 108

Note

PWF  
8/22/19

4

Gen

1 AN ACT to amend 97.22 (2) (a); and to create 97.20 (2) (e) 1m., 97.22 (11) and  
2 97.24 (2m) of the statutes; relating to: the sale of unpasteurized milk products  
3 and an exemption from rules and licensing and permitting requirements for  
4 certain dairy farms.

fluid ✓

**Analysis by the Legislative Reference Bureau**

Current law generally prohibits the sale of unpasteurized (commonly called fluid raw) milk and other milk products and prohibits the sale to consumers of milk or milk products that are not grade A milk or milk products. Current law requires a dairy farmer to have a milk producer license from the Department of Agriculture, Trade and Consumer Protection (DATCP) and requires a grade A permit from DATCP to sell grade A milk. Also under current law, DATCP promulgates rules governing the operation of dairy farms and the testing and quality of milk.

fluid ✓

bill ✓

Underline

This substitute amendment allows a dairy farmer to register with DATCP for the purpose of selling unpasteurized milk and milk products directly to consumers on the farm. The bill provides that a dairy farmer who is registered is not required to obtain a milk producer license or a grade A permit if the dairy farmer does not send any milk to a dairy plant (also called a processor), but sells no milk or milk products

and

other than unpasteurized milk and milk products sold on the farm. A dairy farmer who registers with DATCP may sell unpasteurized milk and milk products if all of the following apply:

1. The dairy farmer or the consumer provides a clean container.
2. The milk or milk product is labeled with the name of the milk producer and with an indication that the milk or milk product is not pasteurized.
3. The dairy farmer posts a sign stating "Raw milk products sold here. Raw milk products are not pasteurized."
4. The unpasteurized milk complies with the DATCP rules for grade A milk concerning appearance and odor, bacterial count, drug residues, somatic cell count (a measure of milk quality), and pesticides and toxic substances.
5. The milk producer complies with the DATCP rules concerning the water supply for dairy operations.

Under the substitute amendment, DATCP's other rules governing the operation of dairy farms do not apply to a registered dairy farmer who does not have a license or a grade A permit.

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.** 97.20 (2) (e) 1m. of the statutes is created to read:

2           97.20 (2) (e) 1m. A dairy farm manufacturing or processing milk products, as  
3 defined in s. 97.24 (2m) (a), if the milk producer is authorized to sell milk products  
4 under s. 97.24 (2m) (e).

5           **SECTION 2.** 97.22 (2) (a) of the statutes is amended to read:

6           97.22 (2) (a) *License required.* ~~No~~ Except as provided in sub. (11), no person  
7 may operate a dairy farm as a milk producer without a valid license issued by the  
8 department for that dairy farm. A license expires on April 30 annually and is not  
9 transferable between persons or dairy farms. ~~Every~~ Except as provided in sub. (11),  
10 every milk producer shall comply with standards applicable to the production of milk  
11 and fluid milk products under this chapter and rules promulgated under this  
12 chapter.

1 SECTION 3. 97.22 (11) of the statutes is created to read:

2 97.22 (11) EXCEPTION. (a) A license is not required under sub. (2) for a milk  
3 producer registered under s. 97.24 (2m) (b) who does not sell milk or milk products  
4 other than unpasteurized milk and milk products as authorized under s. 97.24 (2m)  
5 (e).

6 (b) Except as provided in s. 97.24 (2m) (e) <sup>4</sup> and <sup>5</sup> ~~5~~ and ~~6~~, the rules promulgated under  
7 sub. (8) and s. 97.24 (3) do not apply to a milk producer described in par. (a) or to milk  
8 or milk products produced by a milk producer described in par. (a).

9 SECTION 4. 97.24 (2m) of the statutes is created to read:

10 97.24 (2m) SALE OF UNPASTEURIZED MILK AND MILK PRODUCTS. (a) In this  
11 subsection, "milk products" includes cultured buttermilk, kefir, yogurt, whey, ice  
12 cream, butter, and cheese.

13 (b) A milk producer may register with the department for the purposes of par.  
14 (e).

15 (d) The department may not specify additional requirements for registration  
16 under par. (b).

17 (e) Notwithstanding subs. (2) (b) and (3), a milk producer <sup>who is registered under</sup> may sell <sup>par. (b)</sup>  
18 unpasteurized milk and milk products directly to a consumer on the milk producer's  
19 dairy farm if all of the following apply:

20 1. The milk producer is registered under par. (b).

21 2. For each sale, either the milk producer or the consumer provides a clean  
22 container for the milk or milk product.

23 3. The milk producer affixes to the container a label that includes the name of  
24 the milk producer and, for milk, the words, "Raw milk—not pasteurized" or, for a  
25 milk product, "Raw milk product—not pasteurized."

① ~~A~~<sup>3</sup> At the place where the milk and milk products are sold, the milk producer  
2 displays a sign that is easy for a consumer to read and that states: "Raw milk  
3 products sold here. Raw milk products are not pasteurized."

④ ~~A~~<sup>4</sup> The unpasteurized milk that the milk producer sells or uses to make the milk  
5 products complies with the standards for grade A milk in s. ATCP 60.15 (1), (2), (3),  
6 (4), and (6), Wis. Adm. Code. ✓

⑦ ~~A~~<sup>5</sup> The water supply used for the milk producer's operations complies with s.  
8 ATCP 60.08, Wis. Adm. Code. ✓

9

(END)

*DWte*

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

date

LRB-0773/1dn  
RCT:.....

Jld

Lance Burri:

This is the raw milk draft, based on last session's <sup>2011</sup>LRBs0260/P2.

As with last session's draft, the definition of "milk products" uses "includes" and does not use "means." Using "includes" rather than "means" in the definition may result in confusion about exactly what products other than the listed ones may be sold under the authority of a raw milk permit. As the administrating agency, DATCP may decide the matter, except that, if there is a lawsuit, a court will decide.

Please contact me with any questions or draft instructions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: becky.tradewell@legis.wisconsin.gov

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

LRB-0773/1dn  
RCT:jld:jm

December 19, 2012

Lance Burri:

This is the raw milk draft, based on last session's 2011 LRBs0260/P2.

As with last session's draft, the definition of "milk products" uses "includes" and does not use "means." Using "includes" rather than "means" in the definition may result in confusion about exactly what products other than the listed ones may be sold under the authority of a raw milk permit. As the administrating agency, DATCP may decide the matter, except that, if there is a lawsuit, a court will decide.

Please contact me with any questions or draft instructions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.wisconsin.gov](mailto:becky.tradewell@legis.wisconsin.gov)

LRB

Research (608 266-0341)

Library (608 266-7040)

Legal (608 266-3561)

LRB

1/4/13

Per Lance - change "include" to "means" in def. of  
"milk products!"

RT



State of Wisconsin  
2013 - 2014 LEGISLATURE

5002(m 1/1)



LRB-077372

RCT:jld  
VH

2013 BILL

lx

Regen

1 AN ACT *to amend* 97.22 (2) (a); and *to create* 97.20 (2) (e) 1m., 97.22 (11) and  
2 97.24 (2m) of the statutes; **relating to:** the sale of unpasteurized milk products  
3 and an exemption from rules and licensing and permitting requirements for  
4 certain dairy farms.

---

***Analysis by the Legislative Reference Bureau***

Current law generally prohibits the sale of unpasteurized (commonly called raw) milk and other milk products and prohibits the sale to consumers of milk or fluid milk products that are not grade A milk or fluid milk products. Current law requires a dairy farmer to have a milk producer license from the Department of Agriculture, Trade and Consumer Protection (DATCP) and requires a grade A permit from DATCP to sell grade A milk. Also under current law, DATCP promulgates rules governing the operation of dairy farms and the testing and quality of milk.

This bill allows a dairy farmer to register with DATCP for the purpose of selling unpasteurized milk and milk products directly to consumers on the farm. Under the bill, a dairy farmer who is registered is not required to obtain a milk producer license or a grade A permit if the dairy farmer does not send any milk to a dairy plant (also called a processor) and sells no milk or milk products other than unpasteurized milk and milk products sold on the farm. A dairy farmer who registers with DATCP may sell unpasteurized milk and milk products if all of the following apply:

1. The dairy farmer or the consumer provides a clean container.
2. The milk or milk product is labeled with the name of the milk producer and with an indication that the milk or milk product is not pasteurized.

**BILL**

3. The dairy farmer posts a sign stating “Raw milk products sold here. Raw milk products are not pasteurized.”

4. The unpasteurized milk complies with the DATCP rules for grade A milk concerning appearance and odor, bacterial count, drug residues, somatic cell count (a measure of milk quality), and pesticides and toxic substances.

5. The milk producer complies with the DATCP rules concerning the water supply for dairy operations.

Under the bill, DATCP’s other rules governing the operation of dairy farms do not apply to a registered dairy farmer who does not have a license or a grade A permit.

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.** 97.20 (2) (e) 1m. of the statutes is created to read:

2           97.20 (2) (e) 1m. A dairy farm manufacturing or processing milk products, as  
3 defined in s. 97.24 (2m) (a), if the milk producer is authorized to sell milk products  
4 under s. 97.24 (2m) (e).

5           **SECTION 2.** 97.22 (2) (a) of the statutes is amended to read:

6           97.22 (2) (a) *License required.* No Except as provided in sub. (11), no person  
7 may operate a dairy farm as a milk producer without a valid license issued by the  
8 department for that dairy farm. A license expires on April 30 annually and is not  
9 transferable between persons or dairy farms. Every Except as provided in sub. (11),  
10 every milk producer shall comply with standards applicable to the production of milk  
11 and fluid milk products under this chapter and rules promulgated under this  
12 chapter.

13           **SECTION 3.** 97.22 (11) of the statutes is created to read:

14           97.22 (11) **EXCEPTION.** (a) A license is not required under sub. (2) for a milk  
15 producer registered under s. 97.24 (2m) (b) who does not sell milk or milk products

**BILL**

1 other than unpasteurized milk and milk products as authorized under s. 97.24 (2m)  
2 (e).

3 (b) Except as provided in s. 97.24 (2m) (e) 4. and 5., the rules promulgated under  
4 sub. (8) and s. 97.24 (3) do not apply to a milk producer described in par. (a) or to milk  
5 or milk products produced by a milk producer described in par. (a).

6 **SECTION 4.** 97.24 (2m) of the statutes is created to read:

7 97.24 (2m) SALE OF UNPASTEURIZED MILK AND MILK PRODUCTS. (a) In this  
8 subsection, "milk products" <sup>means</sup> includes cultured buttermilk, kefir, yogurt, whey, ice  
9 cream, butter, and cheese.

10 (b) A milk producer may register with the department for the purposes of par.  
11 (e).

12 (d) The department may not specify additional requirements for registration  
13 under par. (b).

14 (e) Notwithstanding subs. (2) (b) and (3), a milk producer who is registered  
15 under par. (b) may sell unpasteurized milk and milk products directly to a consumer  
16 on the milk producer's dairy farm if all of the following apply:

17 1. For each sale, either the milk producer or the consumer provides a clean  
18 container for the milk or milk product.

19 2. The milk producer affixes to the container a label that includes the name of  
20 the milk producer and, for milk, the words, "Raw milk—not pasteurized" or, for a  
21 milk product, "Raw milk product—not pasteurized."

22 3. At the place where the milk and milk products are sold, the milk producer  
23 displays a sign that is easy for a consumer to read and that states: "Raw milk  
24 products sold here. Raw milk products are not pasteurized."



STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608 266 0341) Library (608 266 7040) Legal (608 266 3561)

LRB

6/17/13 Per Sen. Smithman - add the standard  
for temperature - 60.15 (5), Wis. Admin. Code.

0773/2



State of Wisconsin  
2013 - 2014 LEGISLATURE

Feb 6/18



LRB-077322 3

RCT:jld:ph *mm*

2013 BILL

*J* Regen

1 AN ACT *to amend* 97.22 (2) (a); and *to create* 97.20 (2) (e) 1m., 97.22 (11) and  
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3 and an exemption from rules and licensing and permitting requirements for  
4 certain dairy farms.

***Analysis by the Legislative Reference Bureau***

Current law generally prohibits the sale of unpasteurized (commonly called raw) milk and other milk products and prohibits the sale to consumers of milk or fluid milk products that are not grade A milk or fluid milk products. Current law requires a dairy farmer to have a milk producer license from the Department of Agriculture, Trade and Consumer Protection (DATCP) and requires a grade A permit from DATCP to sell grade A milk. Also under current law, DATCP promulgates rules governing the operation of dairy farms and the testing and quality of milk.

This bill allows a dairy farmer to register with DATCP for the purpose of selling unpasteurized milk and milk products directly to consumers on the farm. Under the bill, a dairy farmer who is registered is not required to obtain a milk producer license or a grade A permit if the dairy farmer does not send any milk to a dairy plant (also called a processor) and sells no milk or milk products other than unpasteurized milk and milk products sold on the farm. A dairy farmer who registers with DATCP may sell unpasteurized milk and milk products if all of the following apply:

1. The dairy farmer or the consumer provides a clean container.
2. The milk or milk product is labeled with the name of the milk producer and with an indication that the milk or milk product is not pasteurized.

**BILL**

Important

3. The dairy farmer posts a sign stating "Raw milk products sold here. Raw milk products are not pasteurized."

4. The unpasteurized milk complies with the DATCP rules for grade A milk concerning appearance and odor, bacterial count, drug residues, somatic cell count (a measure of milk quality), and pesticides and toxic substances.

5. The milk producer complies with the DATCP rules concerning the water supply for dairy operations.

Under the bill, DATCP's other rules governing the operation of dairy farms do not apply to a registered dairy farmer who does not have a license or a grade A permit.

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

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**BILL**

1 other than unpasteurized milk and milk products as authorized under s. 97.24 (2m)  
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9 cream, butter, and cheese.

10 (b) A milk producer may register with the department for the purposes of par.  
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12 (d) The department may not specify additional requirements for registration  
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19 2. The milk producer affixes to the container a label that includes the name of  
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21 milk product, "Raw milk product—not pasteurized."

22 3. At the place where the milk and milk products are sold, the milk producer  
23 displays a sign that is easy for a consumer to read and that states: "Raw milk  
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State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0773/3  
RCT:jld:rs

## 2013 BILL

1     **AN ACT to amend** 97.22 (2) (a); and **to create** 97.20 (2) (e) 1m., 97.22 (11) and  
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**BILL**

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

1           **SECTION 1.** 97.20 (2) (e) 1m. of the statutes is created to read:

2           97.20 (2) (e) 1m. A dairy farm manufacturing or processing milk products, as  
3 defined in s. 97.24 (2m) (a), if the milk producer is authorized to sell milk products  
4 under s. 97.24 (2m) (e).

5           **SECTION 2.** 97.22 (2) (a) of the statutes is amended to read:

6           97.22 (2) (a) *License required.* ~~No~~ Except as provided in sub. (11), no person  
7 may operate a dairy farm as a milk producer without a valid license issued by the  
8 department for that dairy farm. A license expires on April 30 annually and is not  
9 transferable between persons or dairy farms. ~~Every~~ Except as provided in sub. (11),  
10 every milk producer shall comply with standards applicable to the production of milk  
11 and fluid milk products under this chapter and rules promulgated under this  
12 chapter.

13           **SECTION 3.** 97.22 (11) of the statutes is created to read:

14           97.22 (11) **EXCEPTION.** (a) A license is not required under sub. (2) for a milk  
15 producer registered under s. 97.24 (2m) (b) who does not sell milk or milk products

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1 other than unpasteurized milk and milk products as authorized under s. 97.24 (2m)  
2 (e).

3 (b) Except as provided in s. 97.24 (2m) (e) 4. and 5., the rules promulgated under  
4 sub. (8) and s. 97.24 (3) do not apply to a milk producer described in par. (a) or to milk  
5 or milk products produced by a milk producer described in par. (a).

6 **SECTION 4.** 97.24 (2m) of the statutes is created to read:

7 **97.24 (2m) SALE OF UNPASTEURIZED MILK AND MILK PRODUCTS.** (a) In this  
8 subsection, "milk products" means cultured buttermilk, kefir, yogurt, whey, ice  
9 cream, butter, and cheese.

10 (b) A milk producer may register with the department for the purposes of par.  
11 (e).

12 (d) The department may not specify additional requirements for registration  
13 under par. (b).

14 (e) Notwithstanding subs. (2) (b) and (3), a milk producer who is registered  
15 under par. (b) may sell unpasteurized milk and milk products directly to a consumer  
16 on the milk producer's dairy farm if all of the following apply:

17 1. For each sale, either the milk producer or the consumer provides a clean  
18 container for the milk or milk product.

19 2. The milk producer affixes to the container a label that includes the name of  
20 the milk producer and, for milk, the words, "Raw milk—not pasteurized" or, for a  
21 milk product, "Raw milk product—not pasteurized."

22 3. At the place where the milk and milk products are sold, the milk producer  
23 displays a sign that is easy for a consumer to read and that states: "Raw milk  
24 products sold here. Raw milk products are not pasteurized."

