



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

<b>2013 Assembly Bill 485</b>	<b>Assembly Substitute Amendment 1</b>
<i>Memo published:</i> January 10, 2014	<i>Contact:</i> Laura Rose, Deputy Director (266-9791)

Current law requires a food processing license before operating a food processing plant, which is defined as any place where food processing is conducted. Food processing includes the preparation, including packaging, of food for sale.

**2013 Assembly Bill 485** exempts, from the food processing license requirement, a person who sells eggs if all of the following apply:

- The eggs are from the person's flock.
- The eggs are sold directly to a consumer at a farmer's market located in this state.
- The person labels the carton in which the person packs the eggs with the person's name and address, the date the eggs were packed, and a date that falls no more than 30 days after the date on which the eggs were packed by which the eggs must be sold.
- The person keeps the packaged eggs at an ambient temperature of 45 degrees Fahrenheit or below at all times prior to sale.

**Assembly Substitute Amendment 1** differs from the bill in the following respects.

The Substitute Amendment defines the following terms:

- "Candling" means carefully examining, in a dark place, the interior and exterior of a whole egg that is placed in front of a strong light source.
- "Egg" means the shell egg of the domestic chicken, *Gallus gallus domesticus*, and of turkey, duck, goose, guinea, or other avian species whose eggs are used for human consumption.

- “Egg producer” means a person who sells eggs laid only by a bird or a flock of birds owned by that person.
- “Egg sales route” means one or more residences inhabited by consumers who regularly buy eggs from an egg producer who travels to the residences.
- “Farmer’s market” means a building, structure, or place where two or more individuals gather on a regular, recurring basis to sell, directly to the consumer, any of the following:
  - Raw agricultural commodities that are grown, harvested, or collected by the individual.
  - Food that is prepared by the individual.
- “Nest-run egg” means an egg that is not washed, graded, or subject to candling before sale.

The Substitute Amendment exempts an egg producer who sells eggs, including nest-run eggs, from the food processing license requirement if the producer satisfies all of the following:

- The number of egg-laying birds in the egg producer’s flock may not exceed 150.
- The eggs are sold on an egg sales route and at the premises where the eggs were laid, in addition to farmer’s markets.
- The carton in which the eggs are packed must be labeled with a statement that the eggs are ungraded and uninspected, in addition to the other information in the original bill.
- The egg producer must keep the eggs at an ambient temperature of 41degrees, rather than 45 degrees as in the original bill.

**Bill History**

On January 7, 2014, the Assembly Committee on Consumer Protection recommended adoption of Assembly Substitute Amendment 1, and recommended passage of the bill, as amended, both on votes of Ayes, 8; Noes, 0.

LR:ksm