

2019 DRAFTING REQUEST**Bill**

For: **Howard Marklein (608) 266-0703** Drafter: **kpaczusk**
 By: **Peter** Secondary Drafters:
 Date: **8/21/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Sen.Marklein@legis.wi.gov**
 Carbon copy (CC) to: **konrad.paczuski@legis.wisconsin.gov**
mary.pfotenhauer@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Labeling of products as dairy products

Instructions:

Prohibit labeling a product as a dairy product unless it meets the definition of a dairy product in s. 97.20(1)(b)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kpaczusk 8/21/2019	swinder 8/22/2019			
/P1	kpaczusk 9/4/2019	swinder 9/5/2019	mbarman 8/22/2019		State
/P2	kpaczusk 9/11/2019	swinder 9/11/2019	dwalker 9/5/2019		State
/P3	kpaczusk 9/12/2019	ccarmich 9/12/2019	lparisi 9/11/2019		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P4			dwalker 9/12/2019		State
/1			mbarman 9/12/2019	dwalker 9/12/2019	State

FE Sent For:

A Intro

<END>



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN: 8/21
OUT: 8/22

generate catalog

1 **AN ACT ...; relating to:** labeling food as a type of dairy product and granting
2 rule-making authority.

Analysis by the Legislative Reference Bureau

Under this bill, no person may label a food product as, or sell or offer for sale a food product that is labeled as, a type of dairy product, such as cream, yogurt, or cheese, unless the food product is a dairy product. The bill's prohibition applies to most dairy products but excludes milk and other products derived solely from the milk of cows or other hooved or camelid mammals. The bill also requires the Department of Agriculture, Trade and Consumer Protection to promulgate rules to implement the prohibition in the 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:

3 **SECTION 1.** 97.26 of the statutes is created to read:

4 **97.26 Labeling food as a type of dairy product.** (1) No person may label
5 a food product as, or sell or offer for sale a food product that is labeled as, a type of

1 dairy product described in s. 97.20 (1) (b) 3. to 5. or a similar term unless the food
2 product is a dairy product, as defined in s. 97.20 (1) (b).

3 (2) The department shall promulgate rules to implement this section.

4 **SECTION 2. Effective date.**

5 (1) This act takes effect on the first day of the 7th month beginning after
6 publication.

7 (END)

Paczuski, Konrad

From: Hienz, Peter <Peter.Hienz@legis.wisconsin.gov>
Sent: Wednesday, September 04, 2019 8:49 AM
To: Paczuski, Konrad <Konrad.Paczuski@legis.wisconsin.gov>
Subject: Dairy Labeling and Meat

Konrad,

This is what I left a message about yesterday afternoon.

On LRB 4023 – Dairy Product Labeling – Can we also prohibit the labeling of a food product that is a “dairy protein” unless the food product is derived from milk as we define milk in LRB 3948? I’ll take this one as a P3.

On LRB 3990 – Meat Labeling – I was mistaken yesterday in my email. We would like to add “insects” to the definition of meat instead of “not meat”. Sorry for the confusion. I’ll take the P4.

Thank you for your work on these!

Peter Hienz
Legislative Aide
Office of State Senator Howard Marklein
17th Senate District
PO Box 7882
Madison, WI 53707-7882
www.legis.wisconsin.gov
(608) 266-0703 or (800) 978-8008



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERT

IN: 914
OUT: 915

1 AN ACT to create 97.26 of the statutes; relating to: labeling food as a type of
2 dairy product and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under this bill, no person may label a food product as, or sell or offer for sale a food product that is labeled as, a type of dairy product, such as cream, yogurt, or cheese, unless the food product is a dairy product. The bill's prohibition applies to most dairy products but excludes milk and other products derived solely from the milk of cows or other hooved or camelid mammals. The bill also requires the Department of Agriculture, Trade and Consumer Protection to promulgate rules to implement the prohibition in the 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:

3 SECTION 1. 97.26 of the statutes is created to read:
4 97.26 Labeling food as a type of dairy product. (1) No person may label
5 a food product as, or sell or offer for sale a food product that is labeled as, a type of

INS
A →

CS
Dairy products.

New
P

1 dairy product described in s. 97.20 (1) (b) 3. to 5. or a similar term unless the food
2 product is a dairy product, as defined in s. 97.20 (1) (b).

INS 2-2
(B)

Rules. CS
(2)

3 **(2)** The department shall promulgate rules to implement this section.

4 **SECTION 2. Effective date.**

5 (1) This act takes effect on the first day of the 7th month beginning after
6 publication.

7 (END)

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4023/P2ins
KP:...

1 INS A

 Also, under the bill, no person may label a food product as, or sell or offer for sale a food product that is labeled as, a type of ^{of} "dairy protein" unless the food product is derived from cow's milk, or hooved or camelid mammal's milk or a type of milk that meets certain specifications under federal law.

2

3 END INS A

4 INS 2-2

5 **(2) DAIRY PROTEIN.** No person may label a food product as, or sell or offer for sale
6 a food product that is labeled as, a type of ^{of} "dairy protein" unless the food product is
7 derived from at least one of the following:

8 (a) Milk, lowfat milk, skim milk, or nonfat dry milk.

9 (b) A product described in 21 CFR 131.110 to 131.147.

10 (c) Hooved or camelid mammals' milk, as defined in s. 97.20 (1) (fm).

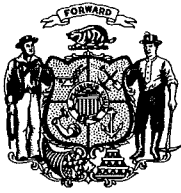
11 END INS 2-2



Phone call with Sen. Marklein's office 9/11:

Additional instructions:

Change the prohibition on labeling "dairy proteins" to use the term "dairy ingredient."



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*IN: 9/11/2019
OUT: TODAY, Please*

1 **AN ACT to create** 97.26 of the statutes; **relating to:** labeling food as a type of
2 dairy product or dairy protein and granting rule-making authority.
e or as containing a dairy ingredient

Analysis by the Legislative Reference Bureau

Under this bill, no person may label a food product as, or sell or offer for sale a food product that is labeled as, a type of dairy product, such as cream, yogurt, or cheese, unless the food product is a dairy product. This prohibition applies to most dairy products but excludes milk and other products derived solely from the milk of cows or other hooved or camelid mammals.

containing Also, under the bill, no person may label a food product as, or sell or offer for sale a food product that is labeled as, a type of dairy protein unless the food product is derived from cow's milk, or hooved or camelid mammal's milk or a type of milk that meets certain specifications under federal law. The bill also requires the Department of Agriculture, Trade and Consumer Protection to promulgate rules to implement the bill's prohibitions. *ingredient*

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:

3 **SECTION 1.** 97.26 of the statutes is created to read:



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4023/P3
KP:skw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

OUT: ASAP

1 AN ACT *to create* 97.26 of the statutes; **relating to:** labeling food as a type of
2 dairy product or as containing a dairy ingredient and granting rule-making
3 authority.

Analysis by the Legislative Reference Bureau

Under this bill, no person may label a food product as, or sell or offer for sale a food product that is labeled as, a type of dairy product, such as cream, yogurt, or cheese, unless the food product is a dairy product. This prohibition applies to most dairy products but excludes milk and other products derived solely from the milk of cows or other hooved or camelid mammals.

Also, under the bill, no person may label a food product as, or sell or offer for sale a food product that is labeled as, containing a type of dairy ingredient unless the food product is derived from cow's milk, or hooved or camelid mammal's milk or a type of milk that meets certain specifications under federal law. The bill also requires the Department of Agriculture, Trade and Consumer Protection to promulgate rules to implement the bill's prohibitions.

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:

4 SECTION 1. 97.26 of the statutes is created to read:



Phone call with Sen. Marklein's office 9/12:

Additional Instructions:

- For the prohibition involving dairy ingredients, refer to food products labeled as a type of 'dairy ingredient', not labeled as containing a type of dairy ingredient.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4023/P4
KP:skw

No
change

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to create** 97.26 of the statutes; **relating to:** labeling food as a type of
2 dairy product or as a dairy ingredient and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under this bill, no person may label a food product as, or sell or offer for sale a food product that is labeled as, a type of dairy product, such as cream, yogurt, or cheese, unless the food product is a dairy product. This prohibition applies to most dairy products but excludes milk and other products derived solely from the milk of cows or other hooved or camelid mammals.

Also, under the bill, no person may label a food product as, or sell or offer for sale a food product that is labeled as, a type of dairy ingredient unless the food product is derived from cow's milk, or hooved or camelid mammal's milk or a type of milk that meets certain specifications under federal law. The bill also requires the Department of Agriculture, Trade and Consumer Protection to promulgate rules to implement the bill's prohibitions.

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:

3 **SECTION 1.** 97.26 of the statutes is created to read:

Walker, Dan

From: Hienz, Peter
Sent: Thursday, September 12, 2019 9:31 AM
To: LRB.Legal
Subject: Draft Review: LRB -4023/1

Please Jacket LRB -4023/1 for the SENATE.