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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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**2011 Assembly Bill 579**

**Assembly Substitute  
Amendment 1**

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Under *current law*, a plant that produces dairy products must obtain a dairy plant license. “Dairy product” is defined to mean milk or any product or by-product of milk, or any commodity in which milk or any milk product is a principal ingredient.

*2011 Assembly Bill 579* amends the definition of “dairy product” to exempt products that are intended to be heated before they are consumed. Thus, under the bill, a plant that produces commodities that are intended to be heated before being consumed is not subject to licensure as a dairy plant. Instead, such plants would typically be licensed as food processing plants.

*Assembly Substitute Amendment 1* to 2011 Assembly Bill 579 has a similar effect, but creates an exemption from the dairy plant licensure requirements rather than amending a definition. Specifically, the substitute amendment does not amend the definition of the term “dairy product.” Instead, the substitute amendment provides that a food processing plant that is licensed as a food processing plant is exempt from the requirement to obtain a dairy plant license if all of the following apply:

- The dairy products used by the food processing plant are manufactured from pasteurized ingredients at a licensed dairy plant.
- The federal Food and Drug Administration has not provided a “standard of identity” for the prepared food under specified federal regulations governing dairy products.

### Legislative History

Assembly Substitute Amendment 1 to 2011 Assembly Bill 579 was offered by Representative Jacque on February 27, 2012. On February 28, 2012, the Assembly Committee on Jobs, Economy, and Small Business voted to recommend adoption of the substitute amendment on a vote of Ayes, 9; Noes, 4. On the same day, the committee voted to recommend passage of the bill, as amended, by a vote of Ayes, 9; Noes, 4.

AH:jal