



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2011 Senate Bill 517	Senate Substitute Amendment 2
<i>Memo published:</i> March 12, 2012	<i>Contact:</i> David L. Lovell, Senior Analyst (266-1537)

2011 Senate Bill 517 relates to the licensing of facilities that produce foods made from dairy products that were produced at a licensed dairy plant.

Under *current law*, a facility at which food is manufactured or processed for sale through any of a number of listed processes must be licensed by the Department of Agriculture, Trade, and Consumer Protection (DATCP) as a food processing plant. In addition, a facility at which dairy products are manufactured or processed for sale or distribution must be licensed by the DATCP as a dairy plant. A facility licensed as a dairy plant is exempt from the food processing plant license requirement.

Current law defines “dairy product” as “milk or any product or by-product of milk, or any commodity in which milk or any milk product or by-product is a principal ingredient.” *2011 Senate Bill 517* limits the portion of this definition relating to commodities made from milk, specifying that the definition includes only those commodities made from milk that are intended to be consumed without first being heated. As a result, a facility that produces a food product from milk that is intended to be heated prior to consumption would be regulated as a food processing plant, rather than as a dairy plant.

Senate Substitute Amendment 2 accomplishes a similar result by a different means. The substitute amendment does not amend the definition of “dairy product,” but instead creates a new exception from the dairy plant license requirement. Specifically, it provides that a licensed food processing plant that processes dairy products into a prepared food is exempt from the dairy plant license requirement if all of the following apply:

- The dairy products used are either:
 - Manufactured at a dairy plant from pasteurized ingredients; or

- Produced under other processes that eliminate or reduce to an acceptable level the food safety hazards associated with dairy products.
- The federal Food and Drug Administration (FDA) has not prescribed a standard of identity for the prepared food.¹

Legislative History

On March 8, 2012, the Senate Committee on Energy, Biotechnology, and Consumer Protection voted to recommend adoption of Senate Substitute Amendment 2 and passage of Senate Bill 517, as amended, on votes of Ayes, 5; and Noes, 0.

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¹ A standard of identity is a standard promulgated by the FDA to ensure that a food identified and marketed by a particular name (e.g., mayonnaise or fruit jelly) is what that name is commonly understood to mean.