



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2017 Senate Bill 271**

**Senate  
Amendment 1**

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### **2017 SENATE BILL 271**

Senate Bill 271 (“the bill”) allows unlicensed individuals to engage in limited face-to-face sales of certain homemade baked and canned foods. Under current law, such individuals would typically need to obtain a food processing plant license or retail food establishment license from the Department of Agriculture, Trade, and Consumer Protection (DATCP), or an agent city or county.

#### **License Exemption for Canned and Pickled Foods**

Under the bill, an individual does not need a food processing plant license or retail food establishment license to engage in face-to-face sales of pickles or other processed vegetables or fruits with a pH of 4.6 or lower that are prepared and canned at home, if the following criteria are met:

- The goods are not sold door to door;
- The person receives less than \$7,500 in annual gross receipts from the sale of the qualifying goods;
- The person displays a sign at the place where the goods are sold stating that the goods are made in a private home not subject to state licensing or inspection; and
- The product is labeled with various information, including the name, business, and address of the person who prepared the food; a statement that the product was made in a private home and was not subject to state licensing or inspection; and a list of ingredients in descending prominence.

### **License Exemption for Baked Foods**

The bill also creates an exemption to the food processing plant and retail food establishment license requirements for the sale of homemade “nonhazardous baked goods.” The term “nonhazardous baked goods” means baked goods with a water activity value of 0.85 or less or an equilibrium value of 4.6 or lower that generally will not support growth of toxins or contain pathogenic organisms. To qualify for this license exemption, an individual must:

- Satisfy the criteria in the bullet-pointed list above;
- Register with DATCP;
- Have a written plan for recalling goods; and
- Complete a DATCP-approved class on food safety.

### **Requirements of DATCP**

The bill requires DATCP to encourage individuals who meet the canning and baking exemptions described above to have their recipes reviewed, and to attend and complete training. Under the bill, DATCP must also provide information about the kinds of foods that can be sold under these exemptions, and about food safety and storage. In cooperation with the University of Wisconsin-Extension, DATCP must also attempt to maximize availability of information.

### **SENATE AMENDMENT 1**

Senate Amendment 1 increases the dollar cap on annual gross receipts from the sale of qualifying goods from \$7,500 to \$25,000.

### **BILL HISTORY**

Senate Amendment 1 was introduced by the Senate Committee on Public Benefits, Licensing, and State-Federal Relations by unanimous consent on June 7, 2017. On June 7, 2017, the Senate Committee on Public Benefits, Licensing, and State-Federal Relations recommended adoption of Senate Amendment 1 on a vote of Ayes 5; Noes 0; and passage of Senate Bill 271, as amended, on a vote of Ayes 5; Noes 0.

AB:jal