



2005 ASSEMBLY BILL 136

February 24, 2005 – Introduced by Representative MUSSER. Referred to Committee on Agriculture.

1 **AN ACT to repeal and recreate** 97.57 of the statutes; **relating to:**
2 representations made regarding wild rice sold or offered for sale in this state,
3 granting rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill changes the law related to the labeling of wild rice sold in this state. Current law requires a wholesaler or supplier to label cultivated wild rice as “paddy-grown” unless the wild rice is blended with other rice. Current law also prohibits a wholesaler or supplier from labeling wild rice as “100% natural wild rice” if it contains any cultivated wild rice.

Under this bill, a person who sells cultivated wild rice is required to label the wild rice as being cultivated. Any sign, advertisement, or other representation concerning the wild rice must indicate that it is cultivated wild rice. Under this bill, a person who sells a blend of wild-grown and cultivated wild rice is required to label the wild rice as being a blend and indicate the percentages that are wild-grown and cultivated. Any sign, advertisement, or other representation concerning the wild rice must indicate that it is a blend of wild-grown and cultivated wild rice.

Also, under this bill, a person who sells machine-harvested wild rice must indicate on the label and in any other representation concerning the wild rice that it is machine harvested, unless the wild rice is labeled as cultivated or blended. Finally, the bill requires wild rice to be labeled with the state or province in which the wild rice was grown. The requirements in the bill apply to the wholesale and retail sale of wild rice. The requirements in the bill do not apply to packaged food

ASSEMBLY BILL 136

products that contain wild rice if the products contain at least 40 percent other food products.

This bill imposes forfeitures (civil monetary penalties) for violations of its requirements. The maximum forfeiture is \$500 for a first violation and \$1,000 for a subsequent violation.

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:

1 **SECTION 1.** 97.57 of the statutes is repealed and recreated to read:

2 **97.57 Advertising and labeling of wild rice. (1) DEFINITIONS.** In this
3 section:

4 (a) “Cultivated” means grown in a field or paddy that is flooded during the
5 growing season and drained at the time of harvesting.

6 (b) “Machine-harvested” means harvested by any method other than
7 traditional methods.

8 (c) “Packaged wild rice product” means a packaged food product that contains
9 wild rice and at least 40 percent other food products and that is labeled or marketed
10 as a wild rice product or blend.

11 (d) “Traditional methods” means using only a hand-propelled boat and 2
12 hand-held wooden sticks or rods.

13 (e) “Wild-grown” means grown in a lake, river, slough, or other water body that
14 is not drained at the time of harvesting.

15 **(2) CULTIVATED WILD RICE.** Except as provided in sub. (6) (a), a person who sells
16 or offers for sale cultivated wild rice, at retail or wholesale, in this state shall do all
17 of the following:

18 (a) Clearly and conspicuously label the wild rice as being cultivated.

ASSEMBLY BILL 136

1 (b) Clearly and conspicuously indicate in any sign, advertisement, or other
2 representation regarding the wild rice that it is cultivated.

3 **(3) BLENDED WILD RICE.** Except as provided in sub. (6) (a), a person who sells
4 or offers for sale a blend of wild-grown and cultivated wild rice, at retail or wholesale,
5 in this state shall do all of the following:

6 (a) Clearly and conspicuously label the wild rice as being a blend of wild-grown
7 and cultivated wild rice and indicate the percentages of the blend that are
8 wild-grown and cultivated.

9 (b) Clearly and conspicuously indicate in any sign, advertisement, or other
10 representation regarding the wild rice that it is a blend of wild-grown and cultivated
11 wild rice.

12 **(4) MACHINE-HARVESTED WILD RICE.** Except as provided in sub. (6), a person who
13 sells or offers for sale machine-harvested wild rice, at retail or wholesale, in this
14 state shall do all of the following:

15 (a) Clearly and conspicuously label the wild rice as being machine-harvested.

16 (b) Clearly and conspicuously indicate in any sign, advertisement, or other
17 representation regarding the wild rice that it is machine-harvested.

18 **(5) PLACE OF ORIGIN.** Except as provided in sub. (6) (a), a person who sells or
19 offers for sale wild rice, at retail or wholesale, in this state shall clearly and
20 conspicuously indicate on the label and on any sign, advertisement, or other
21 representation regarding the wild rice the state or province in which the wild rice
22 was grown.

23 **(6) EXCEPTIONS.** (a) Subsections (2) to (5) do not apply to packaged wild rice
24 products or to wild rice that is cooked and ready to eat.

ASSEMBLY BILL 136**SECTION 1**

1 (b) Subsection (4) does not apply to wild rice that is labeled in accordance with
2 sub. (2) or (3).

3 (7) RULES. The department shall promulgate rules establishing minimum
4 standards for the labels required under subs. (2) (a), (3) (a), (4) (a), and (5) and for
5 representations made under subs. (2) (b), (3) (b), (4) (b), and (5).

6 (8) PENALTY. A person who violates this section shall forfeit not less than \$50
7 nor more than \$500 for the first violation and not less than \$200 nor more than
8 \$1,000 for subsequent violations.

9 **SECTION 2. Nonstatutory provisions.**

10 (1) PROPOSED RULES. The department of agriculture, trade and consumer
11 protection shall submit in proposed form the rules required under section 97.57 (7)
12 of the statutes, as created by this act, to the legislative council staff under section
13 227.15 (1) of the statutes no later than the first day of the 7th month beginning after
14 the effective date of this subsection unless the secretary of administration requires
15 the department to prepare an economic impact report under section 227.137 of the
16 statutes for the proposed rules.

17 **SECTION 3. Effective dates.** This act takes effect on the day after publication,
18 except as follows:

19 (1) The treatment of section 97.57 of the statutes takes effect on the first day
20 of the 19th month beginning after publication.

21 (END)