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State of Misconsin 2015 - 2016 LEGISLATURE

LRB-2121/1 MCP:jld

2015 ASSEMBLY BILL 646

January 7, 2016 – Introduced by Representatives NERISON, KULP, BALLWEG, E. BROOKS, HORLACHER, T. LARSON, A. OTT and TAUCHEN, cosponsored by Senators MOULTON and STROEBEL. Referred to Committee on Agriculture.

1 AN ACT to renumber and amend 94.72 (14) (a); and to create 94.72 (1) (im) and 2 94.72 (14) (a) 1. of the statutes; relating to: penalties for violating commercial 3 feed requirements and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

Current law establishes certain requirements for manufacturers and distributors of commercial feed and feed products for animals and birds. Under current law, a person who violates these requirements is subject to a fine of up to \$200 or imprisonment for up to six months, or both.

This bill changes the penalties for violations of the commercial feed and feed product requirements. Under this bill, a person who violates these requirements is subject to a civil forfeiture of between \$100 and \$500 for the first violation, and between \$200 and \$1,000 for any additional violation within five years of the first violation. In addition, a manufacturer or distributor who knowingly violates these requirements may be subject to a fine of up to \$5,000 or imprisonment for up to one year, or both; and any other person who knowingly violates these requirements may be subject to a fine of up to \$1,000 or imprisonment for up to 30 days, or both.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 94.72 (1) (im) of the statutes is created to read:

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1	94.72 (1) (im) "Manufacturer" means any person who manufactures
2	commercial feed.
3	SECTION 2. 94.72 (14) (a) of the statutes is renumbered 94.72 (14) (a) 2. and
4	amended to read:
5	94.72 (14) (a) 2. A person manufacturer or distributor who knowingly violates
6	this section or an order issued or a rule promulgated under this section shall <u>may</u> be
7	fined not more than \$200 <u>\$5,000</u> or imprisoned not more than 6 months <u>one year</u> or
8	both. Any other person who knowingly violates this section or an order issued or a
9	rule promulgated under this section may be fined not more than \$1,000 or
10	imprisoned not more than 30 days or both.
11	SECTION 3. 94.72 (14) (a) 1. of the statutes is created to read:
12	94.72 (14) (a) 1. A person who violates this section or an order issued or a rule
13	promulgated under this section shall forfeit not less than \$100 nor more than \$500
14	for the first violation and not less than \$200 nor more than \$1,000 for any subsequent
15	violation within 5 years.
16	SECTION 4. Initial applicability.
17	(1) This act first applies to violations committed on the effective date of this
18	subsection, but does not preclude the counting of other violations as prior violations.
19	(END)