



## 2005 ASSEMBLY BILL 837

November 23, 2005 - Introduced by Representatives POPE-ROBERTS, SHERMAN, BERCEAU, TURNER and PARISI, cosponsored by Senator MILLER. Referred to Committee on Public Health.

1     **AN ACT to amend** 16.75 (1) (a) 1.; and **to create** 16.70 (1m), 16.70 (1n), 16.70 (3g),  
2           16.70 (3h), 16.70 (9m), 16.75 (9m), 38.42 and 118.065 of the statutes; **relating**  
3           **to:** the purchase of chicken, turkey, beef, and pork products by state agencies,  
4           school districts, and technical college districts.

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### *Analysis by the Legislative Reference Bureau*

This bill requires state agencies (including the University of Wisconsin System), school districts, and technical college districts to give preference in purchasing chicken, turkey, beef, or pork products to suppliers who provide meat from animals that have not been given antibiotics for other than therapeutic reasons.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

5           **SECTION 1.** 16.70 (1m) of the statutes is created to read:  
6           16.70 (1m) "Antibiotics" means substances that kill or inhibit the growth or  
7           multiplication of bacteria, including penicillins, tetracyclines, macrolides,

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1 lincosamides, streptogramins, aminoglycosides, and sulfonamides, but excluding  
2 ionophores or other compounds directed against fungi, parasites, or viruses.

3 **SECTION 2.** 16.70 (1n) of the statutes is created to read:

4 16.70 (1n) “Antibiotics used in human medicine” means antibiotics that belong  
5 to any of the following classes of compounds approved for use in human medicine:  
6 penicillins, tetracyclines, macrolides, lincosamides, streptogramins,  
7 aminoglycosides, or sulfonamides.

8 **SECTION 3.** 16.70 (3g) of the statutes is created to read:

9 16.70 (3g) “Disease prevention” means the nonroutine use of antibiotics to  
10 prevent disease in an animal when the disease is present on the premises of the  
11 animal or is likely to occur in the animal because of a specific situation.

12 **SECTION 4.** 16.70 (3h) of the statutes is created to read:

13 16.70 (3h) “Disease therapy” means the use of antibiotics under the direction  
14 of a veterinarian to treat an animal with a disease or illness, but excludes the use of  
15 antibiotics beyond the period needed for treatment of the disease or illness.

16 **SECTION 5.** 16.70 (9m) of the statutes is created to read:

17 16.70 (9m) “Nontherapeutic use” means the administration of antibiotics to an  
18 animal for purposes other than disease prevention or disease therapy.

19 **SECTION 6.** 16.75 (1) (a) 1. of the statutes, as affected by 2005 Wisconsin Act 25,  
20 is amended to read:

21 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all  
22 materials, supplies, equipment, and contractual services to be provided to any  
23 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),  
24 (6), (7), (8), (9), (9m), and (10m) and ss. 16.73 (4) (a), 16.751, 16.754, 50.05 (7) (f),  
25 153.05 (2m) (a), 287.15 (7), and 301.265, shall be awarded to the lowest responsible

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1 bidder, taking into consideration life cycle cost estimates under sub. (1m), when  
2 appropriate, the location of the agency, the quantities of the articles to be supplied,  
3 their conformity with the specifications, and the purposes for which they are  
4 required and the date of delivery.

5 **SECTION 7.** 16.75 (9m) of the statutes is created to read:

6 16.75 (9m) (a) The department, any other designated purchasing agent under  
7 s. 16.71 (1), and any agency making purchases under s. 16.74 shall purchase chicken,  
8 turkey, beef, and pork products only from a wholesaler who annually submits an  
9 affidavit to the department stating that the chicken, turkey, beef, or pork products  
10 being supplied to the department, agent, or agency have been produced without the  
11 nontherapeutic use of antibiotics used in human medicine, if there is a reasonable  
12 similarity between the quality, quantity, availability, and price of the chicken, turkey,  
13 beef, or pork products offered by such a wholesaler and other chicken, turkey, beef,  
14 and pork products offered for sale.

15 (b) The department shall inform wholesalers of chicken, turkey, beef, or pork  
16 products who seek to do business with the department, any designated agent under  
17 s. 16.71 (1) or any agency making purchases under s. 16.74 of the provisions of this  
18 subsection.

19 **SECTION 8.** 38.42 of the statutes is created to read:

20 **38.42 Purchasing meat products. (1)** In this section:

21 (a) "Antibiotics" means substances that kill or inhibit the growth or  
22 multiplication of bacteria, including penicillins, tetracyclines, macrolides,  
23 lincosamides, streptogramins, aminoglycosides, and sulfonamides, but excluding  
24 ionophores or other compounds directed against fungi, parasites, or viruses.

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1 (b) "Antibiotics used in human medicine" means antibiotics that belong to any  
2 of the following classes of compounds approved for use in human medicine:  
3 penicillins, tetracyclines, macrolides, lincosamides, streptogramins,  
4 aminoglycosides, or sulfonamides.

5 (c) "Broker or wholesaler" means a person who purchases or collects food from  
6 food producers for subsequent sale or distribution to technical college districts.

7 (d) "Disease prevention" means the nonroutine use of antibiotics to prevent  
8 disease in an animal when the disease is present on the premises of the animal or  
9 is likely to occur in the animal because of a specific situation.

10 (e) "Disease therapy" means the use of antibiotics under the direction of a  
11 veterinarian to treat an animal with a disease or illness, but excludes the use of  
12 antibiotics beyond the period needed for treatment of the disease or illness.

13 (f) "Nontherapeutic use" means the administration of antibiotics to an animal  
14 for purposes other than disease prevention or disease therapy.

15 (2) Assuming reasonable similarity in the quality, quantity, availability, and  
16 price to other chicken, turkey, beef, or pork products offered for sale, a district board  
17 shall purchase chicken, turkey, beef, and pork products only from a broker or  
18 wholesaler who annually submits an affidavit to the district board stating that the  
19 chicken, turkey, beef, or pork products being supplied to the district have been  
20 produced without the nontherapeutic use of antibiotics used in human medicine.

21 (3) A district board shall inform brokers and wholesalers of chicken, turkey,  
22 beef, or pork products who seek to do business with the district of the provisions of  
23 this section.

24 **SECTION 9.** 118.065 of the statutes is created to read:

25 **118.065 Purchasing meat products. (1)** In this section:

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1 (a) "Antibiotics" means substances that kill or inhibit the growth or  
2 multiplication of bacteria, including penicillins, tetracyclines, macrolides,  
3 lincosamides, streptogramins, aminoglycosides, and sulfonamides, but excluding  
4 ionophores or other compounds directed against fungi, parasites, or viruses.

5 (b) "Antibiotics used in human medicine" means antibiotics that belong to any  
6 of the following classes of compounds approved for use in human medicine:  
7 penicillins, tetracyclines, macrolides, lincosamides, streptogramins,  
8 aminoglycosides, or sulfonamides.

9 (c) "Broker or wholesaler" means a person who purchases or collects food from  
10 food producers for subsequent sale or distribution to technical college districts.

11 (d) "Disease prevention" means the nonroutine use of antibiotics to prevent  
12 disease in an animal when the disease is present on the premises of the animal or  
13 is likely to occur in the animal because of a specific situation.

14 (e) "Disease therapy" means the use of antibiotics under the direction of a  
15 veterinarian to treat an animal with a disease or illness, but excludes the use of  
16 antibiotics beyond the period needed for treatment of the disease or illness.

17 (f) "Nontherapeutic use" means the administration of antibiotics to an animal  
18 for purposes other than disease prevention or disease therapy.

19 **(2)** Assuming reasonable similarity in the quality, quantity, availability, and  
20 price to other chicken, turkey, beef, or pork products offered for sale, a school board  
21 shall purchase chicken, turkey, beef, and pork products only from a broker or  
22 wholesaler who annually submits an affidavit to the school board stating that the  
23 chicken, turkey, beef, or pork products being supplied to the school district have been  
24 produced without the nontherapeutic use of antibiotics used in human medicine.

