



## 2011 SENATE BILL 108

May 26, 2011 - Introduced by Senators GROTHMAN, DARLING, S. FITZGERALD, GALLOWAY, HANSEN, HOLPERIN, KAPANKE, LASEE and LEIBHAM, cosponsored by Representatives PRIDEMORE, DANOU, CLARK, KOOYENGA, KRUG, THIESFELDT and TIFFANY. Referred to Committee on Agriculture, Forestry, and Higher Education.

1     **AN ACT** *to amend* 97.22 (2) (a); and *to create* 97.20 (2) (e) 1m., 97.22 (11) and  
2             97.24 (2m) of the statutes; **relating to:** the sale of unpasteurized milk products  
3             and an exemption from rules and licensing and permitting requirements for  
4             certain dairy farms.

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### *Analysis by the Legislative Reference Bureau*

Current law generally prohibits the sale of unpasteurized (commonly called raw) milk and other milk products and prohibits the sale to consumers of milk or milk products that are not grade A milk or milk products. Current law requires a dairy farmer to have a milk producer license from the Department of Agriculture, Trade and Consumer Protection (DATCP) and requires a grade A permit from DATCP to sell grade A milk. Also under current law, DATCP promulgates rules governing the operation of dairy farms and the testing and quality of milk.

This bill allows a dairy farmer with a license and a grade A permit to register with DATCP for the purpose of selling unpasteurized milk and milk products. The bill also allows a dairy farmer who does not have a license or a grade A permit to register with DATCP if the farmer milks fewer than 20 cows. A dairy farmer who registers with DATCP may sell unpasteurized milk and milk products directly to a consumer on the farm if the dairy farmer or the consumer provides a sanitary container, the container is filled in a sanitary manner, and the dairy farmer posts a sign stating "Raw milk products sold here. Raw milk products are not pasteurized."

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Also, under the bill, DATCP's rules governing the operation of dairy farms and the testing and quality of milk do not apply to a registered dairy farmer without a license or a grade A permit if the farmer milks fewer than 20 cows.

For further information see the *state* 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:*

1           **SECTION 1.** 97.20 (2) (e) 1m. of the statutes is created to read:

2           97.20 (2) (e) 1m. A dairy farm manufacturing or processing milk products, as  
3 defined in s. 97.24 (2m) (a), if the milk producer is authorized to sell milk products  
4 under s. 97.24 (2m) (e).

5           **SECTION 2.** 97.22 (2) (a) of the statutes is amended to read:

6           97.22 (2) (a) *License required.* No Except as provided in sub. (11), no person  
7 may operate a dairy farm as a milk producer without a valid license issued by the  
8 department for that dairy farm. A license expires on April 30 annually and is not  
9 transferable between persons or dairy farms. ~~Every~~ Except as provided in sub. (11),  
10 every milk producer shall comply with standards applicable to the production of milk  
11 and fluid milk products under this chapter and rules promulgated under this  
12 chapter.

13           **SECTION 3.** 97.22 (11) of the statutes is created to read:

14           97.22 (11) EXCEPTION. (a) A license is not required under sub. (2) for a milk  
15 producer registered under s. 97.24 (2m) (c) to sell unpasteurized milk and milk  
16 products under s. 97.24 (2m) (e).

17           (b) The rules promulgated under sub. (8) and s. 97.24 (3) do not apply to a milk  
18 producer registered under s. 97.24 (2m) (c) or to milk or milk products produced by  
19 a milk producer registered under s. 97.24 (2m) (c).

