

**1999 DRAFTING REQUEST**

**Bill**

Received: 05/7/99

Received By: traderc

Wanted: As time permits

Identical to LRB:

For: Rodney Moen (608) 266-8546

By/Representing: Terry Tuschen

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Alt. Drafters:

Subject: Agriculture - miscellaneous

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Packaging of ice cream and similar frozen products

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Required</u>
/?	traderc 06/15/99	jgeller 06/16/99		_____		
/1			martykr 06/16/99	_____	lrb_docadmin 06/16/99	lrb_docadmin 06/21/99

FE Sent For:

*Not Needed*

<END>

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/?	traderc	1/9/16 jg	1/9/16 jg	1/9/16 jg	1/9/16 jg		

FE Sent For:

<END>

**BILL**  
**REQUEST FORM**

**LEGISLATIVE REFERENCE BUREAU**  
**Legal Section Telephone: 266-3561**  
**5th Floor, 100 N. Hamilton Street**

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

Use this form only for **BILL** drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft: Senator Rod MOEN

Date: 5/5/95 Person submitting request (name, phone number): Terry Tuschen  
266-8546

Persons to contact for questions about this draft (names, phone numbers): - Same -

Describe the problem, including any helpful examples.

How do you want to solve the problem?

- See attached -

Note: This will be a Companion Bill to that of Rep. Phil Montgomery

Please attach a copy of any correspondence or other material that may help us.

If you know of any statute sections that might be affected, list them or provide a marked-up (not retyped) copy. Wiscon. Stats, 98.12

You may attach a marked-up (not retyped) copy of any LRB draft, or provide its number (e.g., 1999 LRB-2345/1 or 1997 AB-67): \_\_\_\_\_

Requests are confidential unless stated otherwise.

● May we tell others that we are working on this for you?  Yes  No

● If yes: Anyone who asks?  Yes  No Any legislator?  Yes  No Only the following persons: \_\_\_\_\_

Do you consider this request urgent?  Yes  No If yes, please indicate why: \_\_\_\_\_

Should we give this request priority over any other pending request of this legislator, agency or body?  Yes  No If yes, sign your name here: \_\_\_\_\_

Yes No

## PROPOSED AMENDMENT

~~98.12 Standard containers; frozen desserts. Ice cream, ice milk, water ices or other frozen desserts of a similar nature packaged prior to sale may be sold by liquid measure only and shall be packaged only in containers with capacities of one half liquid pint, one liquid pint, one liquid quart, or a multiple of one liquid quart. This section does not apply if such products are packaged at time of sale at retail or sold in quantities of less than one half liquid pint.~~ **Factory packaged ice cream and similar frozen products.** Factory-packaged ice cream, ice milk, frozen yogurt, and similar products shall be kept, offered, or exposed for sale, or sold in terms of fluid volume.

Deletions

Additions

.....  
Amendment based on the method-of-sale model regulation in the National Institute of Standards and Technology (NIST) Handbook 130 (1997), as adopted by the 81<sup>st</sup> National Conference on Weights and Measures.

Wisconsin State Senate



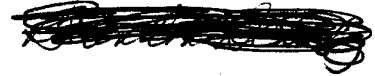
**RODNEY C. MOEN**  
Senator - 31st District

Rebecca,

Please draft these  
proposed changes in  
98.12 and 98.21 as  
separate bills.

If you have any  
questions, please call.

Thank you.  
Brenda Hampton

**Proposed Amendment:**

**98.12 ~~Standard containers; frozen desserts.~~ Ice cream and similar frozen products.** Ice cream, ice milk, water ices or other frozen desserts of a similar nature packaged prior to sale ~~may~~ shall be sold by liquid measure only, ~~and shall be packaged only in containers with capacities of one-half liquid pint, one liquid pint, one liquid quart, or a multiple of one liquid quart.~~ This section does not apply if such products are packaged at the time of sale at retail or sold in quantities of less than one-half liquid pint.

↑  
stays

1999 BILL

ONote

*regenerate*

- 1 AN ACT *to amend* 98.12; and *to repeal and recreate* 98.21 of the statutes;
- 2 \* relating to: the sale of ice cream and similar products ~~and the sale of bread.~~

***Analysis by the Legislative Reference Bureau***

Current law generally requires ice cream and similar frozen desserts that are packaged before sale to be sold by liquid measure and packaged only in containers with capacities of one-half liquid pint, one liquid pint, one liquid quart or a multiple of one liquid quart. This requirement does not apply if products are packaged at the time of sale at retail or sold in quantities of less than one-half liquid pint.

This bill eliminates the limitations on the size of containers in which ice cream and similar products may be packaged but retains the requirement that they be sold by liquid measure, subject to the current exception.

~~Under current law, the weight of a loaf of bread manufactured, offered for sale or sold for consumption in this state generally must be a multiple of four ounces and must be at least one-half pound. These requirements do not apply to rolls and similar items that weigh less than four ounces each, to stale bread that is identified as such or to bread manufactured and sold for persons requiring special breads because of medical conditions.~~

This bill eliminates the limitations on the weight of bread loaves. This bill prohibits a person from manufacturing for sale in this state, offering for sale and sale



**BILL**

~~of bread unless the bread is sold by weight. This prohibition does not apply to stale bread that is identified as such.~~

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

1           **SECTION 1.** 98.12 of the statutes is amended to read:

2           **98.12 ~~Standard containers; frozen desserts~~ Sale of ice cream and**  
3           **similar frozen products.** Ice cream, ice milk, water ices or other frozen desserts  
4           of a similar nature packaged prior to sale ~~may~~ shall be sold by liquid measure ~~only~~  
5           and ~~shall be packaged only in containers with capacities of one-half liquid pint, one~~  
6           ~~liquid pint, one liquid quart, or a multiple of one liquid quart.~~ This section does not  
7           apply if such the products are packaged at time of sale at retail or sold in quantities  
8           of less than one-half liquid pint.

9           ~~**SECTION 2.** 98.21 of the statutes is repealed and recreated to read:~~

10           ~~**98.21 Sale of bread.** (1) Except as provided in sub. (2), no person may~~  
11           ~~manufacture for sale in this state, offer to sell or sell bread unless the bread is sold~~  
12           ~~by weight.~~

13           ~~(2) Subsection (1) does not apply to stale bread if the bread is conspicuously~~  
14           ~~marked "stale bread" or is placed in a container conspicuously marked "stale bread"~~  
15           ~~and sold as and for stale bread.~~

16

(END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

3043/1 & n  
LRB-8012/2da  
RCT:jlg:mrc

May 18, 1999 <sup>new</sup>  
~~date~~

↑  
stays

\* As requested, this draft requires ice cream and similar products to be "sold by liquid measure". ~~It requires bread to be "sold by weight".~~ While current law requires ice cream and similar products to be sold by liquid measure, I am not certain what "sold by" means. It seems that a labeling requirement might be clearer, if that is what is intended.

~~I have modernized and simplified the proposed language concerning the sale of bread.~~

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: Becky.Tradewell@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3043/1dn  
RCT:jlg:km

June 16, 1999

As requested, this draft requires ice cream and similar products to be "sold by liquid measure". While current law requires ice cream and similar products to be sold by liquid measure, I am not certain what "sold by" means. It seems that a labeling requirement might be clearer, if that is what is intended.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [Becky.Tradewell@legis.state.wi.us](mailto:Becky.Tradewell@legis.state.wi.us)

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 6/16/99

**To:** Senator Moen

**Relating to LRB drafting number:** LRB-3043

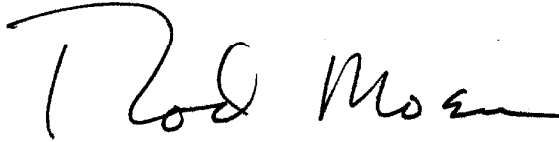
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**Subject(s)**

Agriculture - miscellaneous

1. **JACKET** the draft for introduction



in the Senate  or the Assembly  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Rebecca C. Tradewell, Managing Attorney  
Telephone: (608) 266-7290