

2001 DRAFTING REQUEST

Bill

Received: 12/18/2001

Received By: traderc

Wanted: As time permits

Identical to LRB:

For: Legislative Council - JLC

By/Representing: David Lovell

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Addl. Drafters:

Subject: Agriculture - miscellaneous

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Advertising and labeling of wild rice

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	traderc 01/04/2002	hhagen 01/14/2002	jfrantze 01/15/2002	_____	lrb_docadmin 01/15/2002	lrb_docadmin 01/30/2002	

FE Sent For:

<END>

LAZ intro.

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1/?	traderc	1/hmh 1/14/02	he conversion pg 12/18				

FE Sent For:

1/15
1/15
ENDS

Tradewell, Becky

From: Lovell, David
Sent: Friday, December 14, 2001 12:30 PM
To: Tradewell, Becky
Cc: Kiel, Joyce; Ulrich, Wendy
Subject: drafting request

Becky,

Attached is a draft (WLC: 0215/2) relating to labeling wild rice offered for sale, which the Special Committee on State-Tribal Relations has voted to recommend to the Joint Legislative Council and which we need to have drafted for introduction. I think that you are the right person to send this request to but, if not, please let me know who you give it to.

Please share any correspondence on this request with Joyce Kiel. You may address any questions you have to either of us .

Many thanks,

David



0215/2

David L. Lovell, Senior Analyst
Wisconsin Legislative Council Staff
608/266-1537

Tradewell, Becky

From: Lovell, David
Sent: Friday, December 14, 2001 1:46 PM
To: Tradewell, Becky
Subject: WLC: 0215/2

Becky,

I thought that the version I sent was an Interleaf version, in spite of the Word logo on it (that's what my computer told me); nonetheless, here is a PDF version. If that doesn't work, let me know and we'll try the LC to LRB cabinet route.

thanks.

David



0215/2

David L. Lovell, Senior Analyst
Wisconsin Legislative Council Staff
608/266-1537

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

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on state-tribal relations. It repeals and recreates the existing statute relating to the labeling of wild rice offered for sale in this state.

Under current law, a wholesaler or supplier is required to label cultivated wild rice as being "paddy-grown" unless the wild rice is blended with wild-grown wild rice. In addition, a wholesaler or supplier is prohibited from labeling wild rice as "100% natural wild rice" unless it is 100% wild-grown wild rice.

This draft requires that the label of any wild rice that is sold or offered for sale in this state, at retail or wholesale, and any sign, advertisement, or other representation regarding such wild rice must inform consumers if the wild rice is cultivated, if it is a blend of wild-grown and cultivated wild rice, and if it is machine harvested. If the wild rice is a blend, the label must indicate the proportions making up the blend. If the wild rice is in a packaged food product that contains at least 40% other food products and that is labeled or marketed as a wild rice product, the label must indicate the proportion of the product that is wild rice. Wild rice that is identified as cultivated or blended and packaged wild rice products are not required to be identified as machine harvested. The draft also requires that labels and representations regarding wild rice clearly indicate the state or province in which the wild rice was grown.

The draft does not make any requirements regarding the labeling of or representations regarding wild rice that is 100% wild-grown or that is harvested by traditional methods except to require that the state or province of origin be identified.

The draft requires the department of agriculture, trade, and consumer protection to promulgate rules for implementation of the requirements created by the draft.

The draft provides that a person who violates the labeling and advertising requirements that the draft creates shall forfeit not less than \$50 nor more than \$500 for the first violation and not less than \$200 nor more than \$1,000 for subsequent violations.

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 section:

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

5 (b) "Harvested by traditional methods" means harvested using only a hand-propelled
6 boat and 2 hand-held wooden sticks or rods.

7 (c) "Machine harvested" means harvested by any method other than traditional
8 methods.

9 (d) "Packaged wild rice product" means a packaged food product that contains wild rice
10 and at least 40% other food products and that is labeled or marketed as a wild rice product or
11 blend.

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

14 **(2) CULTIVATED WILD RICE.** A person who sells or offers for sale cultivated wild rice, at
15 retail or wholesale, in this state shall do all of the following:

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

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

19 **(3) BLENDED WILD RICE.** A person who sells or offers for sale a blend of wild-grown
20 and cultivated wild rice, at retail or wholesale, in this state shall do all of the following:

1 (a) Clearly and conspicuously label the wild rice as being a blend of wild-grown and
2 cultivated wild rice and indicate the percentages of the blend that are wild-grown and
3 cultivated.

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

6 (3m) PACKAGED WILD RICE PRODUCTS. A person who sells or offers for sale a packaged
7 wild rice product, at retail or wholesale, in this state, shall clearly and conspicuously indicate
8 on the label the percentage of the packaged wild rice product that is wild rice.

9 (4) MACHINE HARVESTED WILD RICE. A person who sells or offers for sale machine
10 harvested wild rice, at retail or wholesale, in this state shall do all of the following:

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

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

14 (5) PLACE OF ORIGIN. A person who sells or offers for sale wild rice, at retail or
15 wholesale, in this state shall clearly and conspicuously indicate in the label and any sign,
16 advertisement, or other representation regarding the wild rice the state or province in which
17 the wild rice was grown.

18 (6) EXCEPTIONS. (a) This section does not apply to wild rice that is cooked and ready
19 to eat.

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

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



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4441/1

RCT: pg

hmk

VMT

5000 1/16

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

ONote

This bill is explained in the ^{CS} Note provided by the joint legislative council in the bill.

FE-S

Regenerate

1 AN ACT to repeal and recreate 97.57 and 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

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

PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on state-tribal relations. It repeals and recreates the existing statute relating to the labeling of wild rice offered for sale in this state.

Under current law, a wholesaler or supplier is required to label cultivated wild rice as being "paddy-grown" unless the wild rice is blended with wild-grown wild rice. In addition, a wholesaler or supplier is prohibited from labeling wild rice as "100% natural wild rice" unless it is 100% wild-grown wild rice.

This draft requires that the label of any wild rice that is sold or offered for sale in this state, at retail or wholesale, and any sign, advertisement, or other representation regarding such wild rice must inform consumers if the wild rice is cultivated, if it is a blend of wild-grown and cultivated wild rice, and if it is machine harvested. If the wild rice is a blend, the label must indicate the proportions making up the blend. If the wild rice is in a packaged food product that contains at least 40% other food products and that is labeled or marketed as a wild rice product, the label must indicate the proportion of the product that is wild rice. Wild rice that is identified as cultivated or blended and packaged

wild rice products are not required to be identified as machine harvested. The draft also requires that labels and representations regarding wild rice clearly indicate the state or province in which the wild rice was grown.

The draft does not make any requirements regarding the labeling of or representations regarding wild rice that is 100% wild-grown or that is harvested by traditional methods except to require that the state or province of origin be identified.

The draft requires the department of agriculture, trade and consumer protection to promulgate rules for implementation of the requirements created by the draft.

The draft provides that a person who violates the labeling and advertising requirements that the draft creates shall forfeit not less than \$50 nor more than \$500 for the first violation and not less than \$200 nor more than \$1,000 for subsequent violations.

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

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

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

(b) ^a "~~Harvested by~~ Traditional methods" means ~~harvested~~ using only a hand-propelled boat and 2 hand-held wooden sticks or rods.

(c) "Machine harvested" means harvested by any method other than traditional methods.

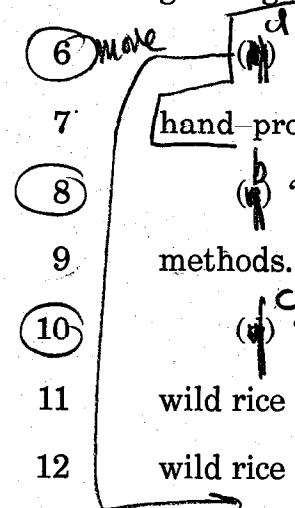
(d) ^c "Packaged wild rice product" means a packaged food product that contains wild rice and at least 40% other food products and that is labeled or marketed as a wild rice product or blend.

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

(2) **CULTIVATED WILD RICE.** ^{except as provided in sub. (b)(a)} A person who sells or offers for sale cultivated wild rice, at retail or wholesale, in this state shall do all of the following:

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

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



1

(3) BLENDED WILD RICE.

Except as provided in sub. (a),

A person who sells or offers for sale a blend of wild-grown and cultivated wild rice, at retail or wholesale, in this state shall do all of the following:

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

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

10

(3m) PACKAGED WILD RICE PRODUCTS.

Except as provided in sub. (a),

A person who sells or offers for sale a packaged wild rice product, at retail or wholesale, in this state, shall clearly and conspicuously indicate on the label the percentage of the packaged wild rice product that is wild rice.

14

(4) MACHINE HARVESTED WILD RICE.

Except as provided in sub. (a),

A person who sells or offers for sale machine harvested wild rice, at retail or wholesale, in this state shall do all of the following:

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

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

19

(5) PLACE OF ORIGIN.

Except as provided in sub. (a),

A person who sells or offers for sale wild rice, at retail or wholesale, in this state shall clearly and conspicuously indicate in the label and any sign, advertisement, or other representation regarding the wild rice the state or province in which the wild rice was grown.

23

(6) EXCEPTIONS. (a) This section does

subsections (a) to (5) do

not apply to wild rice that is cooked and ready to eat.

24

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

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

PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on state-tribal relations. It repeals and recreates the existing statute relating to the labeling of wild rice offered for sale in this state.

Under current law, a wholesaler or supplier is required to label cultivated wild rice as being "paddy-grown" unless the wild rice is blended with wild-grown wild rice. In addition, a wholesaler or supplier is prohibited from labeling wild rice as "100% natural wild rice" unless it is 100% wild-grown wild rice.

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The draft requires the department of agriculture, trade, and consumer protection to promulgate rules for implementation of the requirements created by the draft.

The draft provides that a person who violates the labeling and advertising requirements that the draft creates shall forfeit not less than \$50 nor more than \$500 for the first violation and not less than \$200 nor more than \$1,000 for subsequent violations.

9 **SECTION 2.** 97.57 of the statutes is repealed and recreated to read:

10 **97.57 Advertising and labeling of wild rice.** (1) DEFINITIONS. In this
11 section:

1 (a) "Cultivated" means grown in a field or paddy that is flooded during the
2 growing season and drained at the time of harvesting.

3 (b) "Harvested by traditional methods" means harvested using only a
4 hand-propelled boat and 2 hand-held wooden sticks or rods.

5 (c) "Machine harvested" means harvested by any method other than traditional
6 methods.

7 (d) "Packaged wild rice product" means a packaged food product that contains
8 wild rice and at least 40% other food products and that is labeled or marketed as a
9 wild rice product or blend.

10 (e) "Wild-grown" means grown in a lake, river, slough, or other water body that
11 is not drained at the time of harvesting.

12 (2) CULTIVATED WILD RICE. A person who sells or offers for sale cultivated wild
13 rice, at retail or wholesale, in this state shall do all of the following:

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

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

17 (3) BLENDED WILD RICE. A person who sells or offers for sale a blend of
18 wild-grown and cultivated wild rice, at retail or wholesale, in this state shall do all
19 of the following:

20 (a) Clearly and conspicuously label the wild rice as being a blend of wild-grown
21 and cultivated wild rice and indicate the percentages of the blend that are
22 wild-grown and cultivated.

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

1 **(3m) PACKAGED WILD RICE PRODUCTS.** A person who sells or offers for sale a
 2 packaged wild rice product, at retail or wholesale, in this state, shall clearly and
 3 conspicuously indicate on the label the percentage of the packaged wild rice product
 4 that is wild rice.

5 **(4) MACHINE HARVESTED WILD RICE.** A person who sells or offers for sale machine
 6 harvested wild rice, at retail or wholesale, in this state shall do all of the following:

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

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

10 **(5) PLACE OF ORIGIN.** A person who sells or offers for sale wild rice, at retail or
 11 wholesale, in this state shall clearly and conspicuously indicate in the label and any
 12 sign, advertisement, or other representation regarding the wild rice the state or
 13 province in which the wild rice was grown.

14 **(6) EXCEPTIONS.** (a) This section does not apply to wild rice that is cooked and
 15 ready to eat.

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

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

21 **(8) PENALTY.** A person who violates this section shall forfeit not less than \$50
 22 nor more than \$500 for the first violation and not less than \$200 nor more than
 23 \$1,000 for subsequent violations.

(END)

DNote

Note
Date

David Howell and Joyce Kriel:

It might be a good idea to put a delayed effective date on this to give NATCP time to promulgate rules and to provide time for labels to be changed.

RC

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4441/1dn
RCT:hmh:jf

January 15, 2002

David Lovell and Joyce Kiel:

It might be a good idea to put a delayed effective date on this to give DATCP time to promulgate rules and to provide time for labels to be changed.

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

Emery, Lynn

From: Kiel, Joyce
Sent: Wednesday, January 30, 2002 11:27 AM
To: LRB.Legal
Cc: Lovell, David; Ulrich, Wendy; Uselman, Tracey
Subject: Jacketing Requests

Please jacket the following five drafts--for the Assembly--introduced by the Joint Legislative Council:

LRB-4263/1
LRB-4264/1
LRB-4265/2
LRB-4266/2
LRB-4441/1

Please send the jackets to Wendy Ulrich at the Legislative Council Staff Offices.

If you have any questions, please call me or David Lovell. Thanks!!!!!!!!!!!!!!!

Joyce L. Kiel, Senior Staff Attorney
Wisconsin Legislative Council Staff
Suite 401, One East Main Street
Madison, WI 53703
608-266-3137
608-266-3830 (fax)
Joyce.Kiel@legis.state.wi.us