

2001 DRAFTING REQUEST

Bill

Received: **02/22/2002**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Gary George (608) 266-2500**

By/Representing:

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:

Labeling of wild rice

Instructions:

Like 2001 AB 773

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>
/?	traderc 02/25/2002	hhagen 02/25/2002					State
/1			pgreensl 02/25/2002		lrb_docadmin 02/25/2002	lrb_docadmin 03/04/2002	

FE Sent For:

<END>

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1?	traderc	11 hmh 2/25/02	2/25 Pg	2/25 Setb			

FE Sent For:

<END>

Tues (2/26), if possible

2001 ASSEMBLY BILL 773

February 5, 2002 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Agriculture.

Note

Regenerat

1 AN ACT to repeal and recreate 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

Insert

This bill is explained in the NOTE provided by the joint legislative council in the bill.

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

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~~

ASSEMBLY BILL 773

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
3 section:

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

6 (b) “Machine harvested” means harvested by any method other than
7 traditional methods.

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

11 (d) “Traditional methods” means using only a hand-propelled boat and 2
12 hand-held wooden sticks or rods.

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

ASSEMBLY BILL 773

1 **(2) CULTIVATED WILD RICE.** Except as provided in sub. (6) (a), a person who sells
2 or offers for sale cultivated wild rice, at retail or wholesale, in this state shall do all
3 of the following:

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

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

7 **(3) BLENDED WILD RICE.** Except as provided in sub. (6) (a), a person who sells
8 or offers for sale a blend of wild-grown and cultivated wild rice, at retail or wholesale,
9 in this state shall do all of the following:

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

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

16 **(3m) PACKAGED WILD RICE PRODUCTS.** Except as provided in sub. (6) (a), a person
17 who sells or offers for sale a packaged wild rice product, at retail or wholesale, in this
18 state, shall clearly and conspicuously indicate on the label the percentage of the
19 packaged wild rice product that is wild rice.

20 **(4) MACHINE HARVESTED WILD RICE.** Except as provided in sub. (6), a person who
21 sells or offers for sale machine harvested wild rice, at retail or wholesale, in this state
22 shall do all of the following:

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

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

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4995/lins
RCT:.....

Insert

Current law requires a wholesaler or supplier of cultivated wild rice to label the wild rice as being "paddy-grown" unless the wild rice is blended with other rice. Current law also prohibits a wholesaler or supplier of wild rice from labeling the wild rice as "100% natural wild rice" unless it is uncultivated wild rice that is not blended with other rice.

This bill replaces the current requirements concerning the labeling of wild rice. The bill requires a person who sells cultivated wild rice to indicate on the label, and in any advertising, that the wild rice is cultivated. The bill requires a person who sells a blend of wild-grown and cultivated wild rice to indicate on the label, and in any advertising, that the wild rice is a blend of wild-grown and cultivated wild rice and to indicate on the label the percentages of the blend that are wild-grown and cultivated. The bill requires a person who sells a packaged food product that contains wild rice and at least 40% other food products and that labels the packaged food product as a wild rice product or blend to indicate on the label the percentage of the food product that is wild rice. The bill requires a person who sells wild rice that is machine harvested to indicate on the label, and in any advertising, that the wild rice is machine harvested, unless the wild rice is labeled as being cultivated, blended, or a packaged wild rice product. Finally, the bill requires a person who sells wild rice to indicate on the label, and in any advertising, the state or province in which the wild rice is grown.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

4995/12
LRB-4441/1dn
RCT:hmh:jf
stays

January 15, 2002 ✓

~~David Lovell and Joyce Kiel~~

proposal

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4995/1dn
RCT:hmh:pg

February 25, 2002

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

Rebecca C. Tradewell
Managing Attorney
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State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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5TH FLOOR
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STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

February 25, 2002

MEMORANDUM

To: Senator George

From: Rebecca C. Tradewell, Managing Attorney

Re: LRB-4995/1 Labeling of wild rice

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

_____ JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7290 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.