

2003 DRAFTING REQUEST

Bill

Received: **12/04/2002**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Ted Kanavas (608) 266-9174**

By/Representing: **Michael Richards**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Agriculture - food safety**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kanavas@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Sale of halal food

Instructions:

Like 2001 SB 497

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> |
|--------------|------------------------|------------------------|------------------------|----------------|------------------------|----------------------|-----------------|
| /? | btradewe 12/05/2002 | chanaman 12/09/2002 | | _____ | | | |
| /1 | | | chaskett 12/11/2002 | _____ | amentkow 12/11/2002 | lemery 01/07/2003 | |

FE Sent For:

*None
needed*

<END>

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|--------------|----------------|-------------------|-----------------|-------------------|------------------|-----------------|-----------------|
| FE Sent For: | | cmh /1 12/9 | 11 12/12 cpt | 1 12/15 p2/cpt | | | <END> |

Tradewell, Becky

From: Richards, Mike
Sent: Wednesday, December 04, 2002 12:24 PM
To: Tradewell, Becky
Subject: Drafting Request

Becky,

I have another drafting request for you. This one should be easier. It is just last years SB 497, which deals with Halal Foods.

Any questions, let me know!

Thanks in advance,

MICHAEL D. RICHARDS
Constituent Relations/Policy Advisor
Office of State Senator Ted Kanavas
33rd Senate District
(608) 266-9174
Mike.Richards@legis.state.wi.us

2003

~~2001~~ SENATE BILL 497

Onote

March 12, 2002 - Introduced by Senators KANAVAS and GROBSCHMIDT, cosponsored by Representative DUFT. Referred to Committee on Labor and Agriculture.

negotiated

1

AN ACT to create 97.55 of the statutes; relating to: sale of halal food.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from doing any of the following with intent to defraud:

1. Falsely representing that any meat sold by the person is kosher and as having been prepared under orthodox Hebrew religious requirements.
2. Falsely representing that any food is kosher and as having been prepared under orthodox Hebrew religious requirements by having the word "kosher" on the food's package.
3. Selling both kosher and nonkosher meat unless each kind of meat is identified as kosher or nonkosher.
4. In a restaurant, falsely representing that food is kosher and as having been prepared under orthodox Hebrew religious requirements.
5. In a restaurant, selling both kosher and nonkosher food unless the window signs and display advertising state that both kosher and nonkosher foods are sold.

This bill creates prohibitions related to the sale of halal food that are the same as under current law related to kosher food. "Halal" is defined as prepared under and maintained in strict compliance with the laws and customs of the Islamic religion as expressed by reliable, recognized Islamic entities and scholars.

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

SENATE BILL 497

1 **SECTION 1.** 97.55 of the statutes is created to read:

2 **97.55 Halal food.** (1) In this section “halal” means prepared under and
3 maintained in strict compliance with the laws and customs of the Islamic religion,
4 including the laws and customs relating to slaughter, as expressed by reliable,
5 recognized Islamic entities and scholars.

6 (2) No person may, with intent to defraud, do any of the following:

7 (a) Sell or expose for sale any meat or meat preparation, whether raw or
8 prepared for human consumption, and falsely represent the meat or meat
9 preparation to be halal, and as having been prepared under and of a product or
10 products sanctioned by the Islamic religious requirements.

11 (b) Falsely represent any food product or the contents of any package or
12 container to be halal and as having been prepared under and of a product or products
13 sanctioned by the Islamic religious requirements, by having or permitting to be
14 inscribed on the package or container the word “halal” in any language.

15 (c) Sell or expose for sale in the same place of business both halal and nonhalal
16 meat or meat preparations, either raw or prepared for human consumption, unless
17 all of that person’s window signs and display advertising indicate, in block letters at
18 least 4 inches in height, “Halal and Nonhalal Meat Sold Here”.

19 (d) Expose for sale in any show window or place of business both halal and
20 nonhalal meat or meat preparations, either raw or prepared for human consumption,
21 unless the person displays over each kind of meat or meat preparation so exposed a
22 sign in block letters at least 4 inches in height reading “Halal Meat”, or “Nonhalal
23 Meat”, as the case may be.

24 (3) No person, with intent to defraud, may do any of the following:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

10311/dn
LRB-4342/1dn

RCT:rs:pg

cmb

~~December 18, 2001~~

new
date

~~Bruce Pfaff:~~

This is the draft related to the sale of halal food. It is based on this state's kosher food statute, s. 97.56, which is what I understand that you want. The only provision that I took from the Illinois halal food law is the definition of halal. Please let me know if this is not consistent with your intent.

I am not aware that there has been a legal challenge to this state's kosher food statute. The kosher food laws in some other jurisdictions have been successfully challenged as violating the Establishment Clause of the First Amendment to the U.S. Constitution. See *Commack Self-Service Kosher Meats v. Rubin*, 106 F. Supp. 2d 445 (E.D. New York, 2000); *Ran-Dav's County Kosher, Inc. v. New Jersey*, 129 N.J. 141, 608A. 2d 1353 (1992), cert. denied, 507 U.S. 952, 113 S. Ct. 1366, 122 L. Ed. 2d 744 (1993); *Barghout v. Bureau of Kosher Meat and Food Control*, 66 F.3d 1337 (4th Cir. 1995). The courts held that the laws created an excessive entanglement between religion and the state and had the effect of advancing religion. The laws challenged in those cases are not identical to this state's kosher food statute, but it is possible that a constitutional challenge to that statute or to the halal food statute created in this draft would be successful.

Please contact me with any questions or with redraft instructions.

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-1031/1dn
RCT:cmh:cph

December 9, 2002

This is the draft related to the sale of halal food. It is based on this state's kosher food statute, s. 97.56.

I am not aware that there has been a legal challenge to this state's kosher food statute. The kosher food laws in some other jurisdictions have been successfully challenged as violating the Establishment Clause of the First Amendment to the U.S. Constitution. See *Commack Self-Service Kosher Meats v. Rubin*, 106 F. Supp. 2d 445 (E.D. New York, 2000); *Ran-Dav's County Kosher, Inc. v. New Jersey*, 129 N.J. 141, 608A. 2d 1353 (1992), cert. denied, 507 U.S. 952, 113 S. Ct. 1366, 122 L. Ed. 2d 744 (1993); *Barghout v. Bureau of Kosher Meat and Food Control*, 66 F.3d 1337 (4th Cir. 1995). The courts held that the laws created an excessive entanglement between religion and the state and had the effect of advancing religion. The laws challenged in those cases are not identical to this state's kosher food statute, but it is possible that a constitutional challenge to that statute or to the halal food statute created in this draft would be successful.

Please contact me with any questions or with redraft instructions.

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

Emery, Lynn

From: Richards, Mike
Sent: Tuesday, January 07, 2003 3:00 PM
To: LRB.Legal
Subject: Draft review: LRB-1031/1 Topic: Sale of halal food

It has been requested by <Richards, Mike> that the following draft be jacketed for the SENATE:

Draft review: LRB-1031/1 Topic: Sale of halal food