

2003 DRAFTING REQUEST

Bill

Received: **03/03/2004**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

For: **Julie Lassa (608) 266-3123**

By/Representing: **Robin Ryan**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Agriculture - miscellaneous**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Labeling of dairy products containing imported milk protein concentrate, casein, or caseinate

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>
/?							State
/1	btradewe 03/04/2004	kfollett 03/05/2004	jfrantze 03/05/2004		Inorthro 03/05/2004		State
/2	btradewe 03/05/2004	kfollett 03/05/2004	jfrantze 03/08/2004		sbasford 03/08/2004	lemery 03/10/2004	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/?							State
/1	btradewe 03/04/2004	kfollett 03/05/2004	jfrantze 03/05/2004		Inorthro 03/05/2004		

FE Sent For:

12/15
3/5

3/7

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<END>

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Bill

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

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May Contact:

Addl. Drafters:

Subject: **Agriculture - miscellaneous**

Extra Copies:

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No specific pre topic given

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/?	btradewe	11/6/04 3/5	[Signature]	[Signature]			

FE Sent For:

<END>



JULIE LASSA
STATE SENATOR

TO: Rebecca Tradewell
FROM: Robin Ryan
DATE: March 1, 2004
RE: Drafting Request

Senator Lassa would like a bill that requires labeling of dairy products that contain milk protein concentrate, casein, or caseinate that is imported from another country. If any of these substances is contained in a dairy product, the substance should be listed on the label and the country of the origin of the substance should be identified on the label. The labeling requirement should apply to all dairy products that are produced, sold, or offered for sale in Wisconsin.

Attached is a bill from Ohio that is similar to what Sen. Lassa would like. However, since casein occurs naturally in dairy products and we do not want to require labeling of dairy products that contain only natural components, the labeling requirement should apply only to dairy products that contain imported milk protein concentrate, casein, or caseinate.

Senator Lassa would like to introduce the bill this session, so we would like it by March 10th. Please let me know if you cannot meet this deadline.

Thanks

**Reviewed As To Form By
Legislative Service Commission**

LSC 125 1045

**125th General Assembly
Regular Session
2003-2004**

. B. No.

A BILL

To amend sections 917.05 and 917.99 of the Revised	1
Code to require that the brand or label of a dairy	2
product containing a milk protein concentrate,	3
casein, or both indicate that fact as well as the	4
country in which the concentrate or protein was	5
produced.	6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 917.05 and 917.99 of the Revised	7
Code be amended to read as follows:	8

Sec. 917.05. No person shall do any of the following or cause	9
any of the following to be done:	10

(A) Represent an imitation to be a dairy product;	11
---	----

(B) Use a measure, test, or equipment, for the purpose of	12
determining the identity, quality, strength, purity, grade,	13
quantity, or price of a dairy product, that does not comply with	14
standards established by the director of agriculture by rule;	15

(C) Conduct a test to determine the identity, quality,	16
strength, purity, grade, quantity, or price of a dairy product in	17
a manner that is not in accordance with rules adopted by the	18
director;	19

(D) Alter or destroy the results of a test conducted to	20
---	----

B. No.
LSC 125 1045

Page 3

Code is guilty of a misdemeanor of the first degree on a first offense, a felony of the fifth degree on a second offense, and a felony of the fourth degree on each subsequent offense. 51
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(C) Whoever violates division (A), (B), (C), (D), or (G) of section 917.05 of the Revised Code is guilty of a misdemeanor of the fourth degree. 54
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(D) Whoever violates division (E) ~~or~~ (F) or (H) of section 917.05 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense. 57
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(E) Each day of violation of a provision described in divisions (A) to (D) of this section constitutes a separate offense. 61
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(F) The court imposing a fine under divisions (A) to (D) of this section shall order that not less than fifty per cent of the fine be disbursed to the treasurer of state for deposit into the dairy industry fund created in section 917.07 of the Revised Code. Subject to that minimum percentage, the court's order shall specify the percentage of the fine that the clerk of the court shall disburse to the treasurer of state. The clerk of the court shall disburse the remainder of the fine to the county treasurer. 64
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Section 2. That existing sections 917.05 and 917.99 of the Revised Code are hereby repealed. 72
73

B. No.
LSC 125 1046

Page 2

determine the identity, quality, strength, purity, grade,	21
quantity, or price of a dairy product;	22
(E) Manufacture, sell, or deliver, hold, or offer for sale a	23
dairy product that is not labeled or represented in accordance	24
with the "Nutrition Labeling and Education Act of 1990," 104 Stat.	25
2353, 21 U.S.C.A. 343, as amended, and regulations adopted under	26
it, and with this chapter and Chapter 3715. of the Revised Code	27
and rules adopted under those chapters;	28
(F) Manufacture, sell, or deliver, hold, or offer for sale a	29
dairy product that is adulterated as described in section 3715.59	30
of the Revised Code or is misbranded as described in section	31
3715.60 of the Revised Code;	32
(G) Use for human consumption goat's milk, sheep's milk, or	33
another animal's milk, except to manufacture dairy products that	34
are described in 21 C.F.R., as amended, or recognized as	35
nonstandardized traditional products normally manufactured from	36
the animal's milk;	37
<u>(H) Import, manufacture, sell, or offer for sale any dairy</u>	38
<u>product that contains milk protein concentrate, casein, or both</u>	39
<u>unless both of the following apply:</u>	40
<u>(1) The product is branded or labeled to clearly indicate</u>	41
<u>that it contains milk protein concentrate, casein, or both.</u>	42
<u>(2) The product's brand or label prominently indicates the</u>	43
<u>country in which the milk protein concentrate or casein was</u>	44
<u>produced.</u>	45
Sec. 917.99. (A) Whoever violates division (C) of section	46
917.09 of the Revised Code is guilty of a misdemeanor of the	47
second degree on a first offense and a misdemeanor of the first	48
degree on each subsequent offense.	49
(B) Whoever violates section 917.13 or 917.14 of the Revised	50

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Casein in Processed Foods & Products

Casein Is a Milk Protein

A milk protein called casein could be the cause of unnecessary suffering for those allergic to dairy products. It is used in many processed foods and products, many times as a hidden ingredient.

The presence of casein in processed foods can cause anaphylaxis, a life threatening reaction, in susceptible individuals.

What Is Casein?

Casein is the principal protein of cow's milk. It is the curd that forms when milk is left to sour. It is the most commonly used milk protein in the food industry and contains 21 amino acids.

Acid casein, a granular milk protein, is available in two types -- edible and technical.

Edible acid casein is highly nutritional, low in fat and cholesterol, and flavorful, making it ideal for medical and nutritional applications. It is used in coffee whiteners, infant formulas, processed cheese, and for use in pharmaceutical products.

Technical acid caseins have good binding properties and are used for the manufacture of paper coatings, adhesives, paints, concrete, textile fabrics, and cosmetics.

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- [Egg Allergy](#)
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- [Milk Allergy](#)

Elsewhere on the Web

- [Allergy Warning Over Processed Food](#)
- [Milk Allergens](#)
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Hydrolyzed casein is casein that has been broken down partially or completely to its constituent amino acids. It may be labeled as hydrolyzed protein and is often used in canned fish.

Lactic casein is used in pharmaceutical products, food ingredients, and as a binding agent in industrial products such as paint, glue, and paper.

Rennet casein is used in the manufacturing of products. Because of its good dye binding ability and excellent extrusion properties, it is ideal for use in plastics such as buttons, beads, buckles, knitting needles, and high quality plastics for jewelry.

What Are Caseinates?

Since casein itself will not dissolve in water you will more likely see caseinates, which are the salts of casein, on ingredients labels. They are made by dissolving acid casein in a suitable hydroxide and drying it to make a water soluble product.

Ammonium caseinate is used mainly in bakery products, therefore, it does not have to be listed on the ingredients label.

Calcium caseinate is used as a nutrient supplement. It is used in creamed cottage cheese, powdered diet supplements, nutritional beverages, processed cheese, and frozen desserts because it has a milky appearance and smooth feel in the mouth.

Potassium caseinate is used in frozen custard, ice cream, ice milk, and fruit sherbets.

Sodium caseinate is highly soluble and is used as an emulsifier in coffee whiteners, cottage cheese, cream liqueurs, yogurt, processed cheeses, and some meat products. It is also used to improve the whipping properties of dessert whips.

Casein Awareness

Reading labels is imperative. If in doubt, always check with the manufacturer prior to purchasing a product. The word 'non dairy' does not necessarily mean the product does not contain casein or caseinates.

The terms to watch for include the ones mentioned above, as well as cheese, curds, milk proteins, and milk solids.

Imitation sausages, soups, stews, high-protein beverage powders, fortified cereals, infant formula, nutrition bars, bakery glazes, coffee whiteners, formulated meats, salad dressing, sauces, and whipped toppings all may contain

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casein or caseinates.

Casein and caseinates are used as extenders, tenderizers, nutritional fortifiers, and texturizers, therefore can be found in products other than foods. For instance, Trident For Kids and Trident Advantage contain Recaldent which contains a milk-casein derivative. Other examples of products containing casein include cosmetics, adhesives, pharmaceutical, nutritional, and personal care products.

For more information on Casein, please refer to the collected Internet links.

~ Judy Tidwell

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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-4410/1

RCT. [Signature]

Wanted Friday, 3/5

2003 BILL

Write

Gen

1 AN ACT ...; **relating to:** the labeling of dairy products containing certain imported
2 substances.

Analysis by the Legislative Reference Bureau

This bill prohibits a person from manufacturing or selling a dairy product that contains milk protein concentrate, casein, or a caseinate that was produced in another country unless the dairy product is labeled to show that the dairy product contains the substance and to show the country in which the substance was produced. Casein is a protein in milk. A caseinate is a compound of casein and another substance.

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:

3 SECTION 1. 97.26[✓] of the statutes is created to read:

4 **97.26 Labeling of dairy products containing certain imported**
5 **substances.** No person may manufacture or sell a dairy product that contains milk
6 protein concentrate, casein, or a caseinate that was produced in another country

BILL

SECTION 1

1 unless the dairy product is labeled to show that the dairy product contains milk
2 protein concentrate, casein, or a caseinate and to show the country in which the milk
3 protein concentrate, casein, or caseinate was produced.

4

(END)

D-Note

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

LRB-4410/1dn
RCT: *le*

Date

Robin Ryan:

This is the draft concerning labeling of dairy products containing certain imported substances. It might be appropriate to add a delayed effective date to the draft to provide time for coming into compliance.

The penalties for violating the prohibition in this draft would be those provided in s. 97.72. If you would prefer different penalties, please let me know.

There are federal laws relating to the labeling of foods and other products. In view of the time frame for completing the draft, I have not researched whether this draft might conflict with any federal laws. I do remember that when the legislature was considering legislation concerning labeling milk to show whether synthetic bovine growth hormone was used in its production there were questions about whether some proposals were consistent with federal law.

Please note that in ch. [✓]97, "sell" is defined to include offering to sell.

Please let me know if you have any questions or want any changes in the draft.

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-4410/1dn
RCT:kjf:jf

March 5, 2004

Robin Ryan:

This is the draft concerning labeling of dairy products containing certain imported substances. It might be appropriate to add a delayed effective date to the draft to provide time for coming into compliance. Please note that in ch. 97, "sell" is defined to include offering to sell.

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

- 4410/1

3/5/04 Per Robin Ryan - add a 12 month effective date.

RET



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-4410~~3~~2
RCT:kjfr

Munday

IMV

2003 BILL

Regen

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BILL

1 unless the dairy product is labeled to show that the dairy product contains milk
2 protein concentrate, casein, or a caseinate and to show the country in which the milk
3 protein concentrate, casein, or caseinate was produced.

(END)

4  *Insert*

EFFECTIVE DATE

Insert

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → *NS: → **effdate**
For the text, execute: **create** → **text:** → *NS: → **effdateA**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # ____ . **Effective date.**

(#1) () This act takes effect on ... *the first day of the 13th month after publication...*

1. In the component bar: For the action phrase, execute: .. **create** → **action:** → *NS: → **effdateE**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # ____ . **Effective dates;**

..... This act takes effect on the day after publication, except as follows:
(#1) () The treatment of sections
of the statutes takes effect on

1. In the component bar: For the budget action phrase, execute:.. **create** → **action:** → *NS: → **94XX**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9400 department code.

SECTION 94 ____ . **Effective dates;**

.....
(#1) () The treatment of sections
of the statutes takes effect on

Emery, Lynn

From: Ryan, Robin
Sent: Wednesday, March 10, 2004 8:48 AM
To: LRB.Legal
Subject: Draft review: LRB 03-4410/2 Topic: Labeling of dairy products containing imported milk protein concentrate, casein, or caseinate

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

Draft review: LRB 03-4410/2 Topic: Labeling of dairy products containing imported milk protein concentrate, casein, or caseinate