

**ASSEMBLY BILL 229 (LRB -2435)**

An Act to renumber 97.29 (2) (b); and to create 97.29 (2) (b) 2. and 97.29 (6) of the statutes; relating to: the sale of home-canned food. (FE)

**2009**

04-23.	A.	Introduced by Representatives <b>Sherman, Berceau, Turner, Milroy, Townsend, Mason, A. Ott, Jorgensen, Gunderson, Spanbauer, Ballweg and Petrowski</b> ; cosponsored by Senators <b>Taylor, Lehman, Olsen, Holperin, Schultz, Lassa, Harsdorf and Plale.</b>	
04-23.	A.	Read first time and referred to committee on Agriculture .....	137
05-06.	A.	Fiscal estimate received.	
05-14.	A.	Public hearing held.	
05-28.	A.	Executive action taken.	
06-30.	A.	Report passage recommended by committee on Agriculture, Ayes 9, Noes 2 .....	329
06-30.	A.	Referred to committee on Rules .....	329
10-15.	A.	Placed on calendar 10-20-2009 by committee on Rules.	
10-20.	A.	Read a second time .....	438
10-20.	A.	Ordered to a third reading .....	438
10-20.	A.	Rules suspended .....	438
10-20.	A.	Read a third time and <b>passed</b> .....	438
10-20.	A.	Ordered immediately messaged .....	438
10-20.	S.	Received from Assembly .....	374
10-21.	S.	Read first time and referred to committee on Agriculture and Higher Education .....	375

**2010**

01-07.	S.	Public hearing held.	
01-13.	S.	Executive action taken.	
01-13.	S.	Report introduction and adoption of Senate Amendment 1 recommended by committee on Agriculture and Higher Education, Ayes 5, Noes 0 ( <b>LRB a1255</b> ) .....	478
01-13.	S.	Report concurrence as amended recommended by committee on Agriculture and Higher Education, Ayes 5, Noes 0 .....	478
01-13.	S.	Available for scheduling.	
01-19.	S.	Placed on calendar 1-21-2010 by committee on Senate Organization .....	491
01-21.	S.	Read a second time .....	497
01-21.	S.	Senate amendment 1 <b>adopted</b> .....	497
01-21.	S.	Ordered to a third reading .....	497
01-21.	S.	Rules suspended .....	497
01-21.	S.	Read a third time and <b>concurred in</b> as amended .....	497
01-21.	S.	Ordered immediately messaged .....	498
01-25.	A.	Received from Senate amended and concurred in as amended (Senate amendment 1 adopted) .....	597
01-28.	A.	Senate amendment 1 <b>concurred in</b> .	
01-28.	A.	Action ordered immediately messaged.	

CD

**2009**  
**ENROLLED BILL**

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**ADOPTED DOCUMENTS:**

Orig     Engr         SubAmdt     

09-2435/1

Amendments to above (if none, write "NONE"):

SA1 - a1255/1

Corrections - show date (if none, write "NONE"):

None

Topic

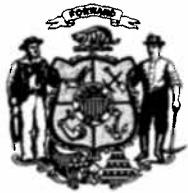
Rel

1-29-10

Date

J. R. Miller

Enrolling Drafter



## 2009 ASSEMBLY BILL 229

April 23, 2009 - Introduced by Representatives SHERMAN, BERCEAU, TURNER, MILROY, TOWNSEND, MASON, A. OTT, JORGENSEN, GUNDERSON, SPANBAUER, BALLWEG and PETROWSKI, cosponsored by Senators TAYLOR, LEHMAN, OLSEN, HOLPERIN, SCHULTZ, LASSA, HARSDORF and PLALE. Referred to Committee on Agriculture.

1     **AN ACT to renumber** 97.29 (2) (b); and **to create** 97.29 (2) (b) 2. and 97.29 (6) of  
2           the statutes; **relating to:** the sale of home-canned food.

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### *Analysis by the Legislative Reference Bureau*

Current law requires food processing plant licenses from the Department of Agriculture, Trade and Consumer Protection (DATCP) for certain facilities at which food is manufactured or prepared for sale through processes such as canning, freezing, and bottling, with specified exemptions.

This bill provides an exemption from the requirement to obtain a food processing plant license for the sale of home-prepared and home-canned, acidic fruits or vegetables (such as pickles) at a community or social event or a farmers' market by a person who receives less than \$5,000 per year from the sale of the food and who complies with requirements concerning notice and labeling.

The bill also requires DATCP to attempt to maximize the availability of information and assistance to persons who wish to home process and home can foods that are not naturally acidic.

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

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

3           **SECTION 1.** 97.29 (2) (b) of the statutes is renumbered 97.29 (2) (b) 1.

**ASSEMBLY BILL 229****SECTION 2**

1           **SECTION 2.** 97.29 (2) (b) 2. of the statutes is created to read:

2           97.29 (2) (b) 2. A person is not required to obtain a license under this section  
3 to sell at retail food products that the person prepares and cans at home in this state  
4 if all of the following apply:

5           a. The food products are pickles or other <sup>SAI-1</sup> vegetables or fruits with an  
6 equilibrium pH value of 4.6 or lower.

7           b. The person sells the food products at a community or social event or a  
8 farmers' market in this state.

9           c. The person receives less than \$5,000 per year from the sale of the food  
10 products.

11           d. The person displays a sign at the place of sale stating: "These canned goods  
12 are homemade and not subject to state inspection."

13           e. Each container of food product that is sold is labeled with the name and  
14 address of the person who prepared and canned the food product <sup>SAI-2</sup> and the date on  
15 which the food product was canned. <sup>SAI-3</sup>

16           **SECTION 3.** 97.29 (6) of the statutes is created to read:

17           97.29 (6) INFORMATION ABOUT HOME CANNING. (a) The department shall  
18 encourage persons to whom the exemption in sub. (2) (b) 2. applies to attend and  
19 complete training, that is approved by the department, concerning preparing and  
20 canning foods and to have their recipes and processes reviewed by a person who is  
21 knowledgeable about the food canning industry and who is recognized by the  
22 department as an authority on preparing and canning food.

23           (b) The department, in cooperation with the University of  
24 Wisconsin-Extension, shall attempt to maximize the availability of information and

**ASSEMBLY BILL 229**

1 technical services and support for persons who wish to home prepare and home can

2 low-acid and acidified food products.

3 (END)



**SENATE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 229**

January 13, 2010 - Offered by COMMITTEE ON AGRICULTURE AND HIGHER EDUCATION.

SAI-1

SAI-2

SAI-3

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 5: after "other" insert "processed".

3 2. Page 2, line 14: delete "product and" and substitute "product,".

4 3. Page 2, line 15: after "canned" insert "the statement "This product was  
5 made in a private home not subject to state licensing or inspection.", and a list of  
6 ingredients in descending order of prominence. If any ingredient originates from  
7 milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts, or soybeans, the list  
8 of ingredients shall include the common name of the ingredient".

9 (END)