ASSEMBLY BILL 575 (LRB -3029)

An Act to create 100.187 of the statutes; relating to: requiring the Department of Agriculture, Trade and Consumer Protection to establish standards for products sold as honey, prohibiting the labeling as Wisconsin certified honey of a product that has not been determined to meet the standards, prohibiting the labeling as honey of a product that does not meet the standards, and requiring the exercise of rule-making authority. (FE)

2009

11-10.	A.	Introduced by Representatives **Garthwaite**, **Vruwink**, **Barca**, **Ballweg**, **Brooks**, **Clark**, **Hilgenberg**, **Kerkman**, **Knodl**, **Molepske Jr.**, **A. Ott**, **Pasch**, **Roys**, **Schneider**, **Steinbrink**, **Tauchen**, **Turner**, **Young** and **Zigmunt**; cosponsored by Senators **Vinehout**, **Lehman**, **Miller** and **Schultz**.	
11-10.	A.	Read first time and referred to committee on Agriculture	514
11-12.	A.	Public hearing held.	
11-13.	A.	Fiscal estimate received.	

2010

01-21.	A.	Executive action taken.	
01-26.	A.	Report passage recommended by committee on Agriculture, Ayes 11, Noes 0	600
01-26.	A.	Referred to committee on Rules	600
01-26.	A.	Placed on calendar 1-28-2010 by committee on Rules.	
01-28.	A.	Representative Smith added as a coauthor	614
01-28.	A.	Read a second time	614
01-28.	A.	Ordered to a third reading	614
01-28.	A.	Rules suspended	614
01-28.	A.	Read a third time and **passed**	614
01-28.	A.	Ordered immediately messaged	614
01-29.	S.	Received from Assembly	530
02-02.	S.	Read first time and referred to committee on Agriculture and Higher Education	536
02-16.	S.	Rules suspended to withdraw from committee on Agriculture and Higher Education and take up.	
02-16.	S.	Read a second time.	
02-16.	S.	Ordered to a third reading.	
02-16.	S.	Rules suspended.	
02-16.	S.	Read a third time and **concurred in**.	
02-16.	S.	Senator Lassa added as a cosponsor.	
02-16.	S.	Ordered immediately messaged.	
02-16.	A.	Received from Senate concurred in.	

JP

2009
ENROLLED BILL

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ADOPTED DOCUMENTS:

☒ Orig ☐ Engr ___ SubAmdt ___ 09 - 3029 / 2

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

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

Topic requiring the Department of Agriculture, Trade and Consumer Protection to establish standards for products sold as honey, prohibiting the labeling as Wisconsin certified honey of a product that has not been determined to meet the standards

2-16-2010
Date

Enrolling Drafter

State of Wisconsin
2009 – 2010 LEGISLATURE

LRB–3029/2
CTS:cjs:jf

2009 ASSEMBLY BILL 575

November 10, 2009 – Introduced by Representatives GARTHWAITE, VRUWINK, BARCA, BALLWEG, BROOKS, CLARK, HILGENBERG, KERKMAN, KNODL, MOLEPSKE JR., A. OTT, PASCH, ROYS, SCHNEIDER, STEINBRINK, TAUCHEN, TURNER, YOUNG and ZIGMUNT, cosponsored by Senators VINEHOUT, LEHMAN, MILLER and SCHULTZ. Referred to Committee on Agriculture.

AN ACT ***to create*** 100.187 of the statutes; **relating to:** requiring the Department of Agriculture, Trade and Consumer Protection to establish standards for products sold as honey, prohibiting the labeling as Wisconsin certified honey of a product that has not been determined to meet the standards, prohibiting the labeling as honey of a product that does not meet the standards, and requiring the exercise of rule–making authority.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Agriculture, Trade and Consumer Protection (DATCP) to promulgate rules that establish standards for products sold as honey and standards for the testing by private laboratories of samples submitted by persons who wish to sell honey produced in this state as Wisconsin certified honey. The standards for honey must be consistent with the standard for honey under the Codex Alimentarius of the Food and Agriculture Organization of the United Nations and the World Health Organization.

The bill prohibits labeling a product as Wisconsin certified honey or implying that a product is Wisconsin certified honey, unless the product has been determined by testing to meet the standards established by DATCP, DATCP has approved a summary of the testing, and the product was produced in this state. Under the bill, DATCP investigates violations of this prohibition and may bring an action to enjoin violations.

The bill also prohibits labeling a product as honey or implying that a product is honey, unless the product meets the standards established by DATCP. Any person who suffers damages as a result of a violation of this prohibition may bring an action against the violator to recover the amount of the person's damages or $1,000, whichever is greater, plus reasonable attorney fees.

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:

1 **SECTION 1.** 100.187 of the statutes is created to read:

2 **100.187 Sale of honey and Wisconsin certified honey; rules,**
3 **prohibitions. (1)** The department shall promulgate rules that do all the following:

4 (a) Establish standards for products sold as honey that are consistent with the
5 standard for honey under the Codex Alimentarius of the Food and Agriculture
6 Organization of the United Nations and the World Health Organization, number
7 12–1981, as revised in 2001.

8 (b) Establish standards for testing by private laboratories of samples
9 submitted by persons who intend to sell honey produced in this state as Wisconsin
10 certified honey to determine whether the samples meet the standards established
11 under par. (a).

12 **(2)** (a) No person may label a product as Wisconsin certified honey or imply that
13 a product is Wisconsin certified honey unless all of the following apply:

14 1. The product has been determined to meet the standards established under
15 sub. (1) (a) by a laboratory whose testing procedures meet standards established
16 under sub. (1) (b).

17 2. A summary of the results of the testing performed under subd. 1. have been
18 submitted to the department and approved by the department.

1 3. The product was produced in this state.

2 (b) The department shall investigate violations of this subsection and may
3 bring an action for permanent or temporary injunctive or other relief in any circuit
4 court against a person who violates this subsection.

5 **(3)** (a) No person may label a product as honey or imply that a product is honey
6 unless the product meets the standards established under sub. (1) (a).

7 (b) Any person who suffers damages as a result of a violation of this subsection
8 may bring an action for damages against the violator for the amount of the person's
9 damages or $1,000, whichever is greater. Notwithstanding s. 814.04 (1), a court shall
10 award to a prevailing plaintiff in an action under this paragraph reasonable attorney
11 fees.

12 **(END)**