

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0306/P1dn
RCT:wlj:md

November 8, 2010

Jim Emerson:

This is a preliminary draft of the proposal allowing the sale of raw milk.

The term "milk product" is not defined in the statutes. This draft uses the term "fluid milk product," which is defined in s. 97.24 (1) (ar). I believe that this term is interpreted to exclude cheese and frozen dessert dairy products (see s. 97.20 (2) (f)). I understand that current law allows the sale of certain raw milk cheeses that are aged at least 61 days. Please let me know if the draft should allow the sale of additional products made with raw milk.

The drafting instructions said to add a section that would allow four or fewer cows milked by hand to be exempt from regulations. I am not certain whether this draft is fully consistent with the intent of that instruction. This draft creates s. 97.22 (11), which creates exemptions to all of the following:

1. The licensing requirement for dairy producers.
2. The rules governing the operation of dairy farms, including rules related to the wholesomeness of milk, the sanitary maintenance of dairy farm facilities, and personnel sanitation.
3. The prohibition on selling unpasteurized milk and the prohibition on selling milk that is not grade A milk to consumers.
4. The rules promulgated under s. 97.24 (3), relating to the production, handling, sampling, and sale of milk and fluid milk products and the inspection of dairy herds and dairy farms, among other things.

Please let me know if any of these exemptions are not wanted or if additional exemptions are wanted.

Please contact me with any questions or instructions for changes to the draft.

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