

2011 DRAFTING REQUEST

Bill

Received: **11/01/2010** Received By: **btradewe**

Wanted: **As time permits** Companion to LRB:

For: **Glenn Grothman (608) 266-7513** By/Representing: **James Emerson (aide)**

May Contact: Drafter: **btradewe**

Subject: **Agriculture - food safety** Addl. Drafters:

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **Sen.Grothman@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow the sale of unpasteurized milk

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>
/?	btradewe 11/04/2010	wjackson 11/08/2010		_____			
/P1			mduchek 11/09/2010	_____	cduerst 11/09/2010		
/P2	btradewe 12/07/2010	wjackson 12/09/2010	mduchek 12/10/2010	_____	sbasford 12/10/2010		State
/1	btradewe	wjackson	rschluet	_____	lparisi	lparisi	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/12/2011	01/12/2011	01/12/2011	_____	01/12/2011	01/12/2011	
/2	btradewe 01/18/2011	wjackson 01/18/2011	mduchek 01/18/2011	_____	sbasford 01/18/2011	sbasford 01/18/2011	

FE Sent For:

*at intro
5/26*

<END>

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/1	btradewe	wjackson	rschluet	_____	lparisi	lparisi	

1/2 WJ 1/18

1/18

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*Please jacket /I
for Senate*

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/P1			mduchek 11/09/2010	_____	cduerst 11/09/2010		
/P2	btradewe 12/07/2010	wjackson 12/09/2010	mduchek 12/10/2010	_____	sbasford 12/10/2010		

1 Wlj 1/12

[Handwritten signature]

[Handwritten signature]

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Pre Topic:

No specific pre topic given


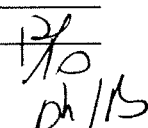
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/?	btradewe	/pl wj 11/8	ND 11/8				

FE Sent For:

<END>

Tradewell, Becky

From: Emerson, James
Sent: Monday, November 01, 2010 3:08 PM
To: Tradewell, Becky
Subject: RE: Drafting request

Becky:

Thank you for the follow up. Working off of AB 628, here are the changes Senator Grothman would like to make:

- 1) page 2 line 6 We would like to change it to say **unpasteurized milk and milk products**, remove buttermilk, butter and cream.
- 2) page 2 line 8 We would like to strike "has a permit" and sub in **is registered**.
- 3) page 2 line 15 We would like to strike that line and replace it with, **Raw milk products are not pasteurized**.
- 4) page 2 line 1 and 2 We would like to eliminate the permit and state that the farm must meet grade A standards
- 5) page 2 lines 16-18 we would like to strike these lines
- 6) Lastly, Senator Grothman would like to add a section to state that this bill would allow 4 or less hand milked cows to be exempt from regulations

If you have any questions, please let me know.

Thanks,
Jim Emerson
Senator Grothman's Office
608-266-7513

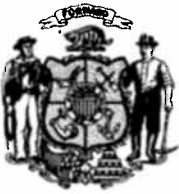
From: Tradewell, Becky
Sent: Tuesday, October 26, 2010 10:18 AM
To: Emerson, James
Subject: Drafting request

Jim,

You called me some time ago about having a bill drafted concerning the sale of raw milk for the 2011-12 legislative session. You indicated that changes were wanted to last session's AB 628, but you had to take another call before completing the instructions. I just wanted to remind you that I do not yet have instructions for drafting this bill.

Becky Tradewell
Managing Attorney
Legislative Reference Bureau

11/1/2010



State of Wisconsin
2009 - 2010 LEGISLATURE

0308/P1
LRB-3961/1
RCT: [unclear]
Wlj

In 11/4

2011

2009 ASSEMBLY BILL 628

Wlj

LPS: Please P.M.F.

December 18, 2009 - Introduced by Representatives DANOU, HILGENBERG, CLARK, BARCA, BALLWEG, TURNER, GUNDERSON, RICHARDS, MILROY, POPE-ROBERTS, BERCEAU, VOS, KERKMAN, LEMAHIEU, ROYS, SOLETSKI, SHERMAN and PRIDEMORE, cosponsored by Senators KREITLOW, GROTHMAN, TAYLOR, HOLPERIN, DARLING, KAPANKE, LEIBHAM and SCHULTZ. Referred to Committee on Rural Economic Development.

please regenerate

1 AN ACT to create 97.24 (2m) of the statutes; relating to: the sale of unpasteurized milk, buttermilk, butter, and cream and an exemption from regulation for certain dairy farms

2
Please insert Prelim component

Analysis by the Legislative Reference Bureau

Current law generally prohibits the sale of unpasteurized (commonly called raw) milk and other milk products.

This bill authorizes a dairy farmer with a grade A dairy farm permit to sell unpasteurized milk, buttermilk, butter, and cream directly to consumers on the farm if the dairy farmer obtains a raw milk permit from the Department of Agriculture, Trade and Consumer Protection, the container is prepared and filled in a sanitary manner, and the dairy farmer displays a sign indicating that raw milk does not provide the protection of pasteurization. The bill also provides that a dairy farmer is not liable for selling a product as authorized by the bill, except in cases of willful or wanton acts or omissions.

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

Insert 1-3

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

3 SECTION 1. 97.24 (2m) of the statutes is created to read:
4 97.24 (2m) SALE OF UNPASTEURIZED MILK AND MILK PRODUCTS. (a) The
5 department shall issue permits to sell unpasteurized milk and milk products for the

ASSEMBLY BILL 628

Insert 2-3

A

1 purposes of par. (b). The department shall issue a permit under this paragraph, upon
 2 request, to any milk producer who has a grade A dairy farm permit under s. 97.22
 3 (3) The department may not specify additional requirements for a permit under this
 4 paragraph.

5 (b) Notwithstanding subs. (2) (b) and (3), a milk producer may sell
 6 unpasteurized milk, buttermilk, butter, and cream directly to a consumer on the milk
 7 producer's dairy farm if all of the following apply:

8 1. The milk producer has a permit to sell unpasteurized milk and milk products

9 is registered under par. (a). *For each sale*

10 2. Either the milk producer or the consumer provides a sanitary container for
 11 the product that has been prepared in a sanitary manner and the container is filled
 12 in a sanitary manner.

13 3. At the place where the products are sold, the milk producer displays a sign
 14 that is easy for a consumer to read and that states: "Raw milk products sold here.
 15 Raw milk products do not provide the protection of pasteurization." *are not pasteurized*

16 (c) A milk producer who sells a product in accordance with par. (b) is immune
 17 from civil liability for the death of or injury to an individual caused by the product,
 18 unless the death or injury was caused by willful or wanton acts or omissions.

(END)

DNata

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0306/P1ins
RCT:.....

Insert 1-3

SECTION ~~1~~ 97.22 (2) (a) of the statutes is amended to read:

97.22 (2) (a) *License required.* ~~No~~ Except as provided in sub. (11), no person may operate a dairy farm as a milk producer without a valid license issued by the department for that dairy farm. A license expires on April 30 annually and is not transferable between persons or dairy farms. ~~Every~~ Except as provided in sub. (11), every milk producer shall comply with standards applicable to the production of milk and fluid milk products under this chapter and rules promulgated under this chapter.

History: 1975 c. 39; 1987 a. 27, 399; 1989 a. 31; 1991 a. 39; 1993 a. 114; 2001 a. 16.

SECTION ~~1~~ 97.22 (11) of the statutes is created to read:

97.22 (11) EXCEPTION. (a) A milk producer who milks ~~two~~⁴ or fewer cows all of which are milked by hand is not required to have a license under sub. (2).[✓]

(b) The rules promulgated under sub. (8)[✓] do not apply to a milk producer described in par. (a).[✓]

(c) Notwithstanding s. 97.24 (2) (b),[✓] a milk producer described in par. (a) may sell unpasteurized milk and fluid milk products, which need not be grade A milk or grade A fluid milk products, directly to a consumer on the milk producer's dairy farm.[✓]

(d) The rules promulgated under s. 97.24 (3)[✓] do not apply to a milk producer described in par. (a)[✓] or to the milk produced by a milk producer described in par. (a).[✓]

Insert 2-3

may register with the department for the purposes of par. (b)[✓]

NO
FF

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0306/P1dn

RCT|.....

Wlj

Date

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 4 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 (f), 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.

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

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.

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

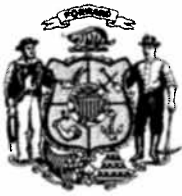
11/11/10 Call from Jim Emerson and Jelene Plautz -0306/PI

Do not require a grade to permit because that requires the farmer to have a contract with a milk processor. Require the farmer to meet grade standards except for the contract requirement.

They will get back to me on other issues.

12/2/2010 Call from Jim Emerson

1. Use the term "milk products" and define it to mean milk, butter milk, kefir, yogurt, cottage cheese, ice cream, and cheese
2. Instead of the provision about hand milking 4 cows or fewer, provide that a farmer milking fewer than 20 cows is not required to have a milk producer license, but must comply with grade requirements as described above.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0306/P1
RCT:wlj:md

2
YMR

SOON IN 12/7

Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Note

please regenerate

1 AN ACT to amend 97.22 (2) (a); and to create 97.22 (11) and 97.24 (2m) of the
2 statutes; relating to: the sale of unpasteurized milk^{products} and an exemption from
3 regulation^{licensing and permitting requirements} for certain dairy farms.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

Insert
1-4

4 SECTION 1. 97.22 (2) (a) of the statutes is amended to read:
5 97.22 (2) (a) License required. No Except as provided in sub. (11), no person
6 may operate a dairy farm as a milk producer without a valid license issued by the
7 department for that dairy farm. A license expires on April 30 annually and is not
8 transferable between persons or dairy farms. ^{plain} Every Except as provided in sub. (11),
9 every milk producer shall comply with standards applicable to the production of milk

in
sub. 97.24 (2m)
(c) and (e)

1 and fluid milk products under this chapter and rules promulgated under this
2 chapter.

3 ~~SECTION 2. 97.22 (11) of the statutes is created to read:~~

4 97.22 (11) EXCEPTION. (a) A milk producer who milks 4 or fewer cows all of
5 which are milked by hand is not required to have a license under sub. (2).

6 (b) The rules promulgated under sub. (8) do not apply to a milk producer
7 described in par. (a).

8 (c) Notwithstanding s. 97.24 (2) (b), a milk producer described in par. (a) may
9 sell unpasteurized milk and fluid milk products, which need not be grade A milk or
10 grade A fluid milk products, directly to a consumer on the milk producer's dairy farm.

11 (d) The rules promulgated under s. 97.24 (3) do not apply to a milk producer
12 described in par. (a) or to the milk produced by a milk producer described in par. (a).

13 SECTION 3. 97.24 (2m) of the statutes is created to read:

14 97.24 (2m) SALE OF UNPASTEURIZED MILK AND MILK PRODUCTS. ^{Insert 2-14} (a) A milk producer

15 who has a grade A dairy farm permit under s. 97.22 (3) may register with the

16 department for the purposes of par. (b). ^e The department may not specify additional

17 requirements for registration under this paragraph.

^{Insert 2-17}
18 (b) ^e Notwithstanding subs. (2) (b) and (3), a milk producer may sell
19 unpasteurized milk and fluid milk products directly to a consumer on the milk
20 producer's dairy farm if all of the following apply:

21 1. The milk producer is registered under par. ^{b or (c)} (a).

22 2. For each sale, either the milk producer or the consumer provides a sanitary
23 container for the ^{milk or milk product} product that has been prepared in a sanitary manner and the
24 container is filled in a sanitary manner.

milk and milk ~~products~~

1 3. At the place where the products are sold, the milk producer displays a sign
2 that is easy for a consumer to read and that states: "Raw milk products sold here.
3 Raw milk products are not pasteurized."

4 (END)

Note

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0306/P2ins
RCT:.....

1 **Insert 1-4**

2 **SECTION ~~#~~ 97.20 (2) (e) 1m.** of the statutes is created to read:

3 97.20 (2) (e) 1m. A dairy farm manufacturing or processing milk products, as
4 defined in s. 97.24 (2m) (a), if the milk producer is authorized to sell milk products
5 under s. 97.24 (2m) (e).

6 **Insert 2-14**

7 (a) In this subsection, "milk products" means buttermilk, kefir, yogurt, cottage
8 cheese, ice cream, and cheese.

9 **Insert 2-17**

10 (c) A milk producer who does not have a grade A dairy farm permit under s.
11 97.22 (3) or a milk producer license under s. 97.22 (2) may register with the
12 department for the purposes of par. (d) if all of the following apply:

- 13 1. The milk producer milks fewer than 20 cows.
- 14 2. The milk producer complies with the dairy farm standards applicable to
15 grade A dairy farms under subch. III of ch. ATCP 60, Wis. Adm. Code.

16 (d) The department may not specify additional requirements for registration
17 under par. (b) or (c).

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0306/P2dn

RCT:.....

Nlj

Date

Jim Emerson:

This is a redraft of the draft relating to the sale of unpasteurized dairy products.

Permits, licenses, and standards

In our discussion on November 11, you and Jolene indicated that the draft should not require a grade A permit because under DATCP rules, to get a grade a permit, a farmer must have a contract with a milk processor (the statutes use the term "dairy plant"). A review of DATCP's rules, ch. ATCP 60, Wisconsin Administrative Code, shows that a farmer must also have a contract with a dairy plant to get a milk producer license. I assume that is why, in our December 12 conversation, you indicated that the draft should allow a farmer milking fewer than 20 cows to sell raw milk products without a grade A permit or a milk producer license. I did not change the requirement that a milk producer milking 20 or more cows have a grade A permit.

In our December 20 conversation, you also indicated that a farmer milking fewer than 20 cows should meet the grade A standards other than having a contract with a dairy plant. I am unsure exactly what the draft should provide in this respect, especially because of the central role that dairy plants play in testing a farmer's milk and ~~also~~ the water supply.

This version of the draft requires a farmer to comply with the dairy farm standards in subch. III of ch. ATCP 60, Wis. Adm. Code. This subchapter includes requirements related to the barn, milking parlor, milkhouse, equipment and utensils, and milking procedure. Section ATCP 60.08 sets forth requirements for a dairy farm's water supply. It requires the dairy plant operator with whom the farmer has a contract to have the water supply tested. For farmers who are not required to have a contract with a dairy plant, the draft should either require the farmer to have the water tested or ~~should~~ state that the water testing requirement does not apply. Please let me know which option to include.

Subchapter IV of ch. ATCP 60, Wis. Adm. Code, contains the milk quality standards and the requirements for testing of milk. The testing is all required to be done by the dairy plant operator with whom the farmer has a contract. Should the draft require a farmer who does not have a milk producer license to have the milk tested? If so, should it require all of the tests required in DATCP's rules?

Wis. Adm. Code

*

*

*

Subchapter V of ch. ATCP 60, Wis. Adm. Code concerns inspection and enforcement. It allows DATCP to suspend or revoke milk producer licenses and grade A permits under certain circumstances. Of course, under current law, if a milk producer license is suspended or revoked, the farmer may not operate as a milk producer. Should this draft address DATCP's authority to inspect a dairy farm that is not required to have a license or to stop the farmer from selling milk products under certain circumstances?

Please let me know if you need a copy of DATCP's rules relating to dairy farms.

Milk products

As requested, the redraft expands the kinds of raw products that may be sold. Also as requested, this draft lists kefir in the definition of "milk products," ~~however~~ I do not see that term used in DATCP's rules. It might be preferable to use the term "cultured milk," which does appear in the rules, if that term covers kefir. Note that under current law, at least some kinds of cheese may be made from raw milk if they are aged for at least 60 days. *although*

I added to the draft an exception from the requirement to have a dairy plant license in order to process or manufacture milk or dairy products for farmers who are authorized to sell unpasteurized milk products. See proposed s. 97.20 (2) (e) 1m., which is modeled on current s. 97.20 (2) (e) 1. Please let me know if you do not want such an exception.

Please contact me with any questions or redraft instructions.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0306/P2dn
RCT:wlj:md

December 10, 2010

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In our December 20 conversation, you also indicated that a farmer milking fewer than 20 cows should meet the grade A standards other than having a contract with a dairy plant. I am unsure exactly what the draft should provide in this respect, especially because of the central role that dairy plants play in testing a farmer's milk and the water supply.

This version of the draft requires a farmer to comply with the dairy farm standards in subch. III of ch. ATCP 60, Wis. Adm. Code. This subchapter includes requirements related to the barn, milking parlor, milkhouse, equipment and utensils, and milking procedure. Section ATCP 60.08, Wis. Adm. Code, sets forth requirements for a dairy farm's water supply. It requires the dairy plant operator with whom the farmer has a contract to have the water supply tested. For farmers who are not required to have a contract with a dairy plant, the draft should either require the farmer to have the water tested or state that the water testing requirement does not apply. Please let me know which option to include.

Subchapter IV of ch. ATCP 60, Wis. Adm. Code, contains the milk quality standards and the requirements for testing of milk. All the testing is required to be done by the dairy plant operator with whom the farmer has a contract. Should the draft require a farmer who does not have a milk producer license to have the milk tested? If so, should it require all of the tests required in DATCP's rules?

Subchapter V of ch. ATCP 60, Wis. Adm. Code concerns inspection and enforcement. It allows DATCP to suspend or revoke milk producer licenses and grade A permits under certain circumstances. Of course, under current law, if a milk producer license is suspended or revoked, the farmer may not operate as a milk producer. Should this draft address DATCP's authority to inspect a dairy farm that is not required to have a license or to stop the farmer from selling milk products under certain circumstances?

Please let me know if you need a copy of DATCP's rules relating to dairy farms.

Milk products

As requested, the redraft expands the kinds of raw products that may be sold. Also as requested, this draft lists kefir in the definition of "milk products," although I do not see that term used in DATCP's rules. It might be preferable to use the term "cultured milk," which does appear in the rules, if that term covers kefir. Note that under current law, at least some kinds of cheese may be made from raw milk if they are aged for at least 60 days.

I added to the draft an exception from the requirement to have a dairy plant license in order to process or manufacture milk or dairy products for farmers who are authorized to sell unpasteurized milk products. See proposed s. 97.20 (2) (e) 1m., which is modeled on current s. 97.20 (2) (e) 1. Please let me know if you do not want such an exception.

Please contact me with any questions or redraft instructions.

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

Tradewell, Becky

From: Kolbow, Regina
Sent: Thursday, January 06, 2011 10:34 AM
To: Tradewell, Becky
Subject: FW: Raw Milk Bill Draft
Attachments: 11-0306P2dn.pdf; 11-0306P2.pdf

Becky,

Could you please delete on Page 2 under (c) line 15 and 16: ***2. The milk producer complies with the dairy farm standards applicable to grade A dairy farms under subch. III of ch. ATCP 60, Wis. Adm. Code.***

Then this is ready to be introduced, send me the bill jacket. Thank you for your help!!!

Sincerely,

Regina Kolbow
Office of Senator Grothman
Room 10 South, State Capitol
Phone: 608-266-7513
Toll Free: 1-800-662-1227

*All communications are subject to open records under Chapter 19, Wis. Stats.

1/6/2011

Tradewell, Becky

From: Tradewell, Becky
Sent: Monday, January 10, 2011 3:20 PM
To: Kolbow, Regina
Subject: RE: Raw Milk Bill Draft

Regina,

I interpret this instruction to mean that none of DATCP's rules related to the production of milk should apply to a dairy farmer who milks fewer than 20 cows and sells unpasteurized milk products to consumers directly from the farm. The rules that would not apply include milk quality standards and requirements relating to the barn, milkhouse, equipment and utensils, and milking procedure, including animal and personnel cleanliness. Am I correct in that conclusion? If so, there will need to be more changes to the draft than the one you have requested to ensure that none of the rules apply.

If my interpretation is incorrect, please let me know what is the intended effect of changing the draft. Once I understand what is intended, I will make the necessary changes to the draft, write an analysis, and have the draft jacketed.

yes,
 per Regina
 1/11/11

Becky Tradewell
 266-7290

From: Kolbow, Regina
Sent: Thursday, January 06, 2011 10:34 AM
To: Tradewell, Becky
Subject: FW: Raw Milk Bill Draft

Becky,

Could you please delete on Page 2 under (c) line 15 and 16: **2. The milk producer complies with the dairy farm standards applicable to grade A dairy farms under subch. III of ch. ATCP 60, Wis. Adm. Code.**

Then this is ready to be introduced, send me the bill jacket. Thank you for your help!!!

Sincerely,

Regina Kolbow
 Office of Senator Grothman
 Room 10 South, State Capitol
 Phone: 608-266-7513
 Toll Free: 1-800-662-1227

*All communications are subject to open records under Chapter 19, Wis. Stats.

1/11/2011



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0306/P2
RCT:wlj:md YMF

Friday, 1/14, if possible

In 1/12

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

please regenerate

1 AN ACT to amend 97.22 (2) (a); and to create 97.20 (2) (e) 1m. and 97.24 (2m)
2 of the statutes; relating to: the sale of unpasteurized milk products and an
3 exemption from ^{rules and} licensing and permitting requirements for certain dairy farms.

Analysis insert

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

4 SECTION 1. 97.20 (2) (e) 1m. of the statutes is created to read:
5 97.20 (2) (e) 1m. A dairy farm manufacturing or processing milk products, as
6 defined in s. 97.24 (2m) (a), if the milk producer is authorized to sell milk products
7 under s. 97.24 (2m) (e).

8 SECTION 2. 97.22 (2) (a) of the statutes is amended to read:
9 97.22 (2) (a) License required. ~~No~~ Except as provided in ^{sub (11)} s. 97.24 (2m) (c) and

10 (e) no person may operate a dairy farm as a milk producer without a valid license

SECTION 2

*Except as provided in sub (1),
=*
every

1 issued by the department for that dairy farm. A license expires on April 30 annually
2 and is not transferable between persons or dairy farms. ~~Every~~ milk producer shall
3 comply with standards applicable to the production of milk and fluid milk products
4 under this chapter and rules promulgated under this chapter.

*Insert
2-4*

5 SECTION 3. 97.24 (2m) of the statutes is created to read:

6 97.24 (2m) SALE OF UNPASTEURIZED MILK AND MILK PRODUCTS. (a) In this
7 subsection, "milk products" means buttermilk, kefir, yogurt, cottage cheese, ice
8 cream, and cheese.

9 (b) A milk producer who has a grade A dairy farm permit under s. 97.22 (3) may
10 register with the department for the purposes of par. (e).

11 (c) A milk producer who does not have a grade A dairy farm permit under s.
12 97.22 (3) or a milk producer license under s. 97.22 (2) may register with the
13 department for the purposes of par. (e) if all of the following apply:

- 14 *not* 1. The milk producer milks fewer than 20 cows.
- 15 2. The milk producer complies with the dairy farm standards applicable to
16 grade A dairy farms under subch. III of ch. ATCP 60, Wis. Adm. Code.

17 (d) The department may not specify additional requirements for registration
18 under par. (b) or (c).

19 (e) Notwithstanding subs. (2) (b) and (3), a milk producer may sell
20 unpasteurized milk and milk products directly to a consumer on the milk producer's
21 dairy farm if all of the following apply:

- 22 1. The milk producer is registered under par. (b) or (c).
- 23 2. For each sale, either the milk producer or the consumer provides a sanitary
24 container for the milk or milk product that has been prepared in a sanitary manner
25 and the container is filled in a sanitary manner.

1 **Analysis insert**

Current law generally prohibits the sale of unpasteurized (commonly called raw) milk and other milk products and prohibits the sale to consumers of milk or milk products that are not grade A milk or milk products. Current law requires a dairy farmer to have a milk producer license from the Department of Agriculture, Trade and Consumer Protection (DATCP) and requires a grade A permit from DATCP to sell grade A milk. Also under current law, DATCP promulgates rules governing the operation of dairy farms and the testing and quality of milk.

This bill allows a dairy farmer with a license and a grade A permit to register with DATCP for the purpose of selling unpasteurized milk and milk products. The bill also allows a dairy farmer who does not have a license or a grade A permit to register with DATCP if the farmer milks fewer than 20 cows. A dairy farmer who registers with DATCP may sell unpasteurized milk and milk products directly to a consumer on the farm if the dairy farmer or the consumer provides a sanitary container, the container is filled in a sanitary manner, and the dairy farmer posts a sign stating "Raw milk products sold here. Raw milk products are not pasteurized."

Also, under the bill, DATCP's rules governing the operation of dairy farms and the testing and quality of milk do not apply to a registered dairy farmer without a license or a grade A permit if the farmer milks fewer than 20 cows.

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

2 **Insert 2-4**

3 **SECTION ~~#~~ 97.22** (11) of the statutes is created to read:

4 **97.22 (11) EXCEPTION.** (a) A license is not required under sub. (2) for a milk
5 producer registered under s. 97.24 (2m) (c) to sell unpasteurized milk and milk
6 products under s. 97.24 (2m) (e).

7 (b) The rules promulgated under sub. (8) and s. 97.24 (3) do not apply to a milk
8 producer registered under s. 97.24 (2m) (c) or to milk or milk products produced by
9 a milk producer registered under s. 97.24 (2m) (c).

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

-038/1

LRB

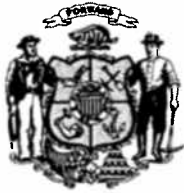
Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

1/18/2011 Per Regina - add letter to the list
of milk products. She will send the jacket back.
RET



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0306/2
RCT:wlj:rs

Today

stays ↑ RMY

2011 BILL

Regen

1 AN ACT to amend 97.22 (2) (a); and to create 97.20 (2) (e) 1m., 97.22 (11) and
2 97.24 (2m) of the statutes; **relating to:** the sale of unpasteurized milk products
3 and an exemption from rules and licensing and permitting requirements for
4 certain dairy farms.

Analysis by the Legislative Reference Bureau

Current law generally prohibits the sale of unpasteurized (commonly called raw) milk and other milk products and prohibits the sale to consumers of milk or milk products that are not grade A milk or milk products. Current law requires a dairy farmer to have a milk producer license from the Department of Agriculture, Trade and Consumer Protection (DATCP) and requires a grade A permit from DATCP to sell grade A milk. Also under current law, DATCP promulgates rules governing the operation of dairy farms and the testing and quality of milk.

This bill allows a dairy farmer with a license and a grade A permit to register with DATCP for the purpose of selling unpasteurized milk and milk products. The bill also allows a dairy farmer who does not have a license or a grade A permit to register with DATCP if the farmer milks fewer than 20 cows. A dairy farmer who registers with DATCP may sell unpasteurized milk and milk products directly to a consumer on the farm if the dairy farmer or the consumer provides a sanitary container, the container is filled in a sanitary manner, and the dairy farmer posts a sign stating "Raw milk products sold here. Raw milk products are not pasteurized."

BILL

Also, under the bill, DATCP's rules governing the operation of dairy farms and the testing and quality of milk do not apply to a registered dairy farmer without a license or a grade A permit if the farmer milks fewer than 20 cows.

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.** 97.20 (2) (e) 1m. of the statutes is created to read:

2 97.20 (2) (e) 1m. A dairy farm manufacturing or processing milk products, as
3 defined in s. 97.24 (2m) (a), if the milk producer is authorized to sell milk products
4 under s. 97.24 (2m) (e).

5 **SECTION 2.** 97.22 (2) (a) of the statutes is amended to read:

6 97.22 (2) (a) *License required.* ~~No~~ Except as provided in sub. (11), no person
7 may operate a dairy farm as a milk producer without a valid license issued by the
8 department for that dairy farm. A license expires on April 30 annually and is not
9 transferable between persons or dairy farms. ~~Every~~ Except as provided in sub. (11),
10 every milk producer shall comply with standards applicable to the production of milk
11 and fluid milk products under this chapter and rules promulgated under this
12 chapter.

13 **SECTION 3.** 97.22 (11) of the statutes is created to read:

14 97.22 (11) EXCEPTION. (a) A license is not required under sub. (2) for a milk
15 producer registered under s. 97.24 (2m) (c) to sell unpasteurized milk and milk
16 products under s. 97.24 (2m) (e).

17 (b) The rules promulgated under sub. (8) and s. 97.24 (3) do not apply to a milk
18 producer registered under s. 97.24 (2m) (c) or to milk or milk products produced by
19 a milk producer registered under s. 97.24 (2m) (c).

