



2013 SENATE BILL 236

July 31, 2013 – Introduced by Senators GROTHMAN, SCHULTZ, LEIBHAM, VUKMIR and TIFFANY, cosponsored by Representatives MURPHY, DANOU, CLARK, DOYLE, KNODL, CRAIG, PRIDEMORE, POPE and BERCEAU. Referred to Committee on Financial Institutions and Rural Issues.

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 fluid milk products that are not grade A milk or fluid 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 to register with DATCP for the purpose of selling unpasteurized milk and milk products directly to consumers on the farm. Under the bill, a dairy farmer who is registered is not required to obtain a milk producer license or a grade A permit if the dairy farmer does not send any milk to a dairy plant (also called a processor) and sells no milk or milk products other than unpasteurized milk and milk products sold on the farm. A dairy farmer who registers with DATCP may sell unpasteurized milk and milk products if all of the following apply:

1. The dairy farmer or the consumer provides a clean container.
2. The milk or milk product is labeled with the name of the milk producer and with an indication that the milk or milk product is not pasteurized.

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3. The dairy farmer posts a sign stating “Raw milk products sold here. Raw milk products are not pasteurized.”

4. The unpasteurized milk complies with the DATCP rules for grade A milk concerning appearance and odor, bacterial count, drug residues, somatic cell count (a measure of milk quality), temperature, and pesticides and toxic substances.

5. The milk producer complies with the DATCP rules concerning the water supply for dairy operations.

Under the bill, DATCP’s other rules governing the operation of dairy farms do not apply to a registered dairy farmer who does not have a license or a grade A permit.

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) (b) who does not sell milk or milk products

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1 other than unpasteurized milk and milk products as authorized under s. 97.24 (2m)
2 (e).

3 (b) Except as provided in s. 97.24 (2m) (e) 4. and 5., the rules promulgated under
4 sub. (8) and s. 97.24 (3) do not apply to a milk producer described in par. (a) or to milk
5 or milk products produced by a milk producer described in par. (a).

6 **SECTION 4.** 97.24 (2m) of the statutes is created to read:

7 **97.24 (2m) SALE OF UNPASTEURIZED MILK AND MILK PRODUCTS.** (a) In this
8 subsection, “milk products” means cultured buttermilk, kefir, yogurt, whey, ice
9 cream, butter, and cheese.

10 (b) A milk producer may register with the department for the purposes of par.
11 (e).

12 (d) The department may not specify additional requirements for registration
13 under par. (b).

14 (e) Notwithstanding subs. (2) (b) and (3), a milk producer who is registered
15 under par. (b) may sell unpasteurized milk and milk products directly to a consumer
16 on the milk producer’s dairy farm if all of the following apply:

17 1. For each sale, either the milk producer or the consumer provides a clean
18 container for the milk or milk product.

19 2. The milk producer affixes to the container a label that includes the name of
20 the milk producer and, for milk, the words, “Raw milk—not pasteurized” or, for a
21 milk product, “Raw milk product—not pasteurized.”

22 3. At the place where the milk and milk products are sold, the milk producer
23 displays a sign that is easy for a consumer to read and that states: “Raw milk
24 products sold here. Raw milk products are not pasteurized.”

