



In 3/2/15  
State of Wisconsin  
2015 - 2016 LEGISLATURE

Due 3/9/15

LRB-1736/P1

MCP: ^:....

Jed

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Agency draft

d-note

4

Gen

1 AN ACT ...; relating to: regulation of establishments where animals are  
2 slaughtered or meat is processed, and granting rule-making authority. ✓

✓ **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:**

3  
4

(title) SECTION 1. 97.42 (title) of the statutes is amended to read:  
**97.42 Compulsory inspection of animals, livestock and poultry, and  
meat or poultry and carcasses products.** ✓

6 SECTION 2. 97.42 (1) (a) ✓ of the statutes is repealed.

\*\*\*NOTE: The proposed statutory language you provided included a definition of "adulterated," which was defined to have the meaning given in 9 CFR 301.2. However, s. 97.02 provides a meaning of "adulterated" that applies to chapter 97 as a whole, under which "a food is adulterated if it is adulterated within the meaning of 21 USC 342." The definitions of "adulterated" in 9 CFR 301.2 and 21 USC 342 appear to be nearly identical, so I have not included the addition definition referencing 9 CFR 301.2 in this draft. Is this okay?

1           **SECTION 3.** 97.42 (1) (b) of the statutes is amended to read:

2           97.42 (1) (b) “Capable of use as human food” applies to any carcass or part of  
3           a carcass of any animal or poultry or animal meat or poultry product unless it is  
4           denatured or otherwise, identified as unfit for human consumption as required by  
5           department rules, or is naturally inedible by humans.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

\*\*\*\*NOTE: The term “denatured” is not defined.

6           **SECTION 4.** 97.42 (1) (bg) of the statutes is created to read:

7           97.42 (1) (bg) “Captive game animal” means an animal of a normally wild type  
8           that is produced in captivity for slaughter and consumption. “Captive game animal”  
9           does not include a farm-raised deer, ratite, captive game bird, fish, or an animal that  
10          is kept solely for hunting purposes at a hunting preserve.

11          **SECTION 5.** 97.42 (1) (br) of the statutes is created to read:

12          97.42 (1) (br) “Captive game bird” means a bird of a normally wild type that  
13          is produced in captivity for slaughter and consumption, including a pheasant, quail,  
14          wild turkey, migratory wildfowl, or exotic bird. “Captive game birds” do not include  
15          poultry, ratites, or birds kept solely for hunting purposes at a hunting preserve.

16          **SECTION 6.** 97.42 (1) (c) of the statutes is repealed.

\*\*\*\*NOTE: The plain language description of this request indicates that the term “meat products” would replace the use of carcasses, parts of carcasses, and meat food products. The proposed statutory changes that were provided used the terms “meat products” and “carcasses” interchangeably, and both terms were defined to have the same meaning. This draft eliminates the use of “carcass” entirely, in favor of “meat or poultry products.”

17          **SECTION 7.** 97.42 (1) (d) (intro.) of the statutes is amended to read:

18          97.42 (1) (d) (intro.) “Establishment” means a plant or premises, including  
19          retail premises, where animals livestock or poultry are slaughtered for human  
20          consumption, or a plant or premises, including retail premises, where meat or

1 poultry products ~~or meat food products~~ are processed, but ~~shall~~ does not include any  
 2 of the following:

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

3 **SECTION 8.** 97.42 (1) (d) 2. of the statutes is repealed.

4 **SECTION 9.** 97.42 (1) (d) 3. of the statutes is amended to read:

5 97.42 (1) (d) 3. Premises of a person who is the owner of the animals livestock  
 6 or poultry to be slaughtered or of carcasses the meat or poultry products <sup>✓</sup> to be  
 7 processed, and if the resulting product is for exclusive use by ~~him or her~~ and the  
 8 owner, members of ~~his or her~~ the owner's household and ~~his or her~~, or the owner's  
 9 nonpaying guests and employees. <sup>✓</sup>

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

10 **SECTION 10.** 97.42 (1) (e) of the statutes is amended to read:

11 97.42 (1) (e) "Inspector" <sup>✓</sup> means any person employed by the department ~~or any~~  
 12 ~~cooperating agency~~ <sup>✓</sup> who is authorized by the department to do any work or perform  
 13 any duty in connection with the department's meat and poultry inspection program.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

14 **SECTION 11.** 97.42 (1) (em) of the statutes is created to read:

15 97.42 (1) (em) "Livestock" <sup>✓</sup> means cattle, sheep, swine, goats, farm-raised deer,  
 16 alpacas, llamas, bison, ratites, rabbits, and other species that the department  
 17 designates as livestock by rule. <sup>✓</sup>

18 **SECTION 12.** 97.42 (1) (f) <sup>✓</sup> of the statutes is amended to read:

19 97.42 (1) (f) "Meat broker" means any person engaged in the business of buying  
 20 or selling meat and or poultry products, ~~or meat and poultry food products~~ on  
 21 commission, or otherwise negotiating purchases or sales of ~~such articles~~ meat or

1 poultry products other than for the person's own account or as an employee of another  
2 person.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

3 **SECTION 13.** 97.42 (1) (fm) of the statutes is amended to read:

4 97.42 (1) (fm) "Meat distributor" means a person who is engaged in the  
5 business of distributing in this state meat and or poultry products at wholesale.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

6 **SECTION 14.** 97.42 (1) (g) of the statutes is repealed.

7 **SECTION 15.** 97.42 (1) (h) of the statutes is amended to read:

8 97.42 (1) (h) "Meat products" and or poultry products" means the carcasses  
9 or any parts, including the viscera, of carcasses of animals and slaughtered livestock  
10 or poultry that are capable of use as human food.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

11 **SECTION 16.** 97.42 (1) (i) of the statutes is amended to read:

12 97.42 (1) (i) "Mobile processor" means a person, other than the owner of the  
13 meat or poultry products being processed, who provides a meat processing service to  
14 processes meat or poultry products for the general public for compensation other  
15 than the trading of services on an exchange basis, and conducts the meat processing  
16 who processes the meat or poultry products at the premises of the owner of the  
17 carcasses meat or poultry products being processed.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

18 **SECTION 17.** 97.42 (1) (j) of the statutes is repealed.

19 **SECTION 18.** 97.42 (1) (k) of the statutes is amended to read:

1            97.42 (1) (k) “Official inspection mark” means the symbol formulated under the  
 2 rules of the department to state indicate that the meat, or poultry ~~or~~ product was  
 3 inspected pursuant to ~~such~~ the department’s rules.✓

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

4            **SECTION 19.** 97.42 (1) (L) of the statutes is amended to read:

5            97.42 (1) (L) “Poultry” means any domesticated fowl birds, including but not  
 6 ~~limited to~~ chickens, turkeys, geese, ducks, or guineas, but shall does not include  
 7 ~~commercially produced~~ captive game birds or ratites.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

8            **SECTION 20.** 97.42 (1) (m) of the statutes is repealed.

9            **SECTION 21.** 97.42 (1) (o) of the statutes is repealed.

\*\*\*\*NOTE: The definition of “wholesome” is repealed here according to the drafting request. However, under the proposed statutory language, the term “wholesome” was still used in s. 97.42. Because the term “unwholesome” is replaced with “adulterated” in this draft, I have replaced the term “wholesome” with “not adulterated.” But note that unlike the term “wholesome” which is defined under current law, the term “not adulterated” (or “unadulterated”) is not defined in this draft.✓

10           **SECTION 22.** 97.42 (2) (a) of the statutes is amended to read:

11           97.42 (2) (a) ~~No~~ Subject to pars. (b) and (bg), ~~no~~ person may operate an  
 12 establishment ~~as defined in sub. (1) (d)~~ without a valid license issued by the  
 13 department ~~for each such establishment~~. That license expires on June 30 annually,  
 14 except that a license issued for a new establishment on or after March 30 but before  
 15 July 1 expires on June 30 of the following year. No license may be issued unless the  
 16 applicant has complied with the requirements of this section. The department shall  
 17 establish by rule the annual license fee is fees for establishments, not to exceed \$200,  
 18 based on the type of mandatory inspection required to be performed at the  
 19 establishment. The department shall establish a reduced ~~except the~~ annual license  
 20 fee shall be \$80 for those establishments engaged only in slaughtering uninspected

1 animals livestock or poultry or processing uninspected meat or poultry products as  
 2 a custom service, and but not in for other operations subject to for which a license  
 3 under this section is required. No person may be required to obtain a license under  
 4 s. 97.29 or 97.30 for activities licensed under this section or which is for activities  
 5 inspected under 21 USC 451 to 472 and 601 to 695.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

\*\*\*\*NOTE: It is not clear to me whether the "which" in the final sentence of s. 97.42 (2) (a) refers to activities or establishments. Is the above change okay, or should the end of that sentence read "or for establishments inspected under 21 USC 451 to 472 and 601 to 695"?

\*\*\*\*NOTE: The plain language description of the request states that the license fee for more complex establishments would not exceed the current level, but this concept was not included in the proposed statutory language that was provided. I have limited the annual fees that are to be established by DNR to \$200; there is not a similar limitation for the reduced fees. Is this okay?

6 SECTION 23. 97.42 (2) (b) of the statutes is amended to read:

7 97.42 (2) (b) Paragraph (a) does not apply to any person operating an  
 8 establishment that only processes meat or poultry products, ~~or meat or poultry food~~  
 9 products, for sale directly to consumers at retail on the premises where the products  
 10 were processed, if only inspected meat is or poultry products are permitted on the  
 11 premises and sales to restaurants and, institutions, and retail food establishments  
 12 are restricted to 25% of the volume annual value of meat sales or \$28,800 annually  
 13 the adjusted dollar limitation published by the federal department of agriculture  
 14 under 9 CFR 303.1 (d) (2) (iii) (b), whichever is less. No person exempt from licensure  
 15 under this paragraph may sell any cured, smoked, seasoned, canned, or cooked meat  
 16 food or poultry products produced by that person to restaurants, <sup>plain</sup> or, institutions, or  
 17 retail food establishments.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

18 SECTION 24. 97.42 (2) (bg) of the statutes is created to read:

1           97.42 (2) (bg) Paragraph (a) does not apply to any person operating an  
2           establishment that meets the requirements under 9 CFR 303.1 (d) (2) (iv) (c) or (e)  
3           (1), or 381.10 (d) (2) (iv) (c) or (e) (1).

4           **SECTION 25.** 97.42 (2) (c) of the statutes is amended to read:

5           97.42 (2) (c) No person may operate as a mobile slaughterer or as a mobile  
6           processor without an annual registration certificate issued by the department,  
7           except that no registration certificate is required for a mobile slaughterer or a mobile  
8           processor who holds a license issued under par. (a). A registration certificate expires  
9           on June 30, annually. An application for an annual registration certificate shall be  
10          submitted on a form provided by the department and shall include information  
11          reasonably required by the department for registration purposes. The department  
12          shall promulgate rules regulating mobile slaughterers and mobile processors,  
13          including rules related to facilities, sanitation, identification of carcasses, and record  
14          keeping.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985  
a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

15          **SECTION 26.** 97.42 (3) (a) of the statutes is amended to read:

16          97.42 (3) (a) *Examination before slaughter.* For the purpose of preventing the  
17          sale and use in this state of meat products and or poultry products which that are  
18          unwholesome adulterated or otherwise unfit for not capable of use as human food,  
19          the department shall cause to be made, by inspectors who may be veterinarians on  
20          either a full-time or part-time basis, under supervision of the department, an  
21          examination and inspection of all animals livestock and poultry before they are  
22          slaughtered in any establishment, except as provided in pars. (d) and (em). All  
23          animals livestock and poultry found on such inspection to show symptoms of disease  
24          shall be condemned or set apart and slaughtered separately from all other animals

1 livestock<sup>✓</sup> and poultry, and when so slaughtered the carcasses<sup>✓</sup> meat or poultry  
2 products thereof shall be subject to careful examination, inspection, and disposition,  
3 in accordance with rules issued by the department.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

4 **SECTION 27.** 97.42 (3) (b) of the statutes is amended to read:

5 97.42 (3) (b) *Examination after slaughter.* For the purpose stated in par. (a),  
6 the department shall cause to be made, by inspectors ~~under supervision of the~~  
7 ~~department~~, who may be veterinarians on either a full-time or part-time basis,  
8 under supervision of the department, an examination and inspection of the ~~carcasses~~  
9 ~~and parts thereof~~ meat or poultry products<sup>✓</sup> of all animals livestock and poultry  
10 slaughtered at any establishment, except as provided in pars. (d) and (em). ~~The~~  
11 ~~carcasses and parts thereof of all animals and~~ Meat or poultry products found to be  
12 ~~wholesome and fit for~~ not adulterated and capable of use as<sup>✓</sup> human food shall be  
13 marked, stamped, tagged, or labeled by inspectors as "Wis. inspected and passed".  
14 Inspectors shall mark, stamp, tag, or label as "Wis. inspected and condemned" all  
15 ~~carcasses and parts thereof of animals and~~ meat or poultry products found to be  
16 ~~unwholesome or otherwise unfit for human food~~ adulterated or otherwise not  
17 capable of use as human food,<sup>✓</sup> and all ~~carcasses and parts thereof~~ meat or poultry  
18 products so inspected and condemned shall be destroyed, in accordance with rules  
19 issued by the department. Inspection marks, stamps, tags, and labels shall be  
20 prescribed by the department and shall include thereon the identification number  
21 of the establishment assigned by the department.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

22 **SECTION 28.** 97.42 (3) (c) of the statutes is amended to read:



1           97.42 (3) (c) *Reexaminations.* Inspectors shall, when deemed advisable,  
 2   reinspect carcasses, ~~parts thereof or meat food or poultry~~ products to determine  
 3   whether ~~the same~~ they have become unwholesome adulterated or ~~in any other way~~  
 4   ~~unfit for otherwise not capable of use as~~ human food. If any carcasses, parts thereof  
 5   or meat food or poultry products, upon a reexamination, are found to be ~~unwholesome~~ <sup>plain</sup>  
 6   adulterated or otherwise ~~unfit for not capable of use as~~ human food, they shall be  
 7   destroyed, in accordance with rules issued by the department.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 106 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

8           **SECTION 29.** 97.42 (3) (cm) of the statutes is created to read:

9           97.42 (3) (cm) *Voluntary reimbursable inspection services.* The department  
 10   shall provide slaughter inspection services for licensed establishments for certain  
 11   captive game animals and captive game birds, and shall designate by rule the species  
 12   of captive game animals and captive game birds for which these services may be  
 13   provided. The establishment requesting these services shall reimburse the  
 14   department for the actual cost of providing the services at rates established by rule  
 15   by the department.

16          **SECTION 30.** 97.42 (3) (d) of the statutes is amended to read:

17          97.42 (3) (d) *Custom service slaughtering.* This subsection ~~shall~~ does not apply  
 18   to ~~animals~~ livestock and poultry slaughtered as a custom service for the owner of the  
 19   livestock or poultry exclusively for use by the owner and members of the owner's  
 20   household, and the owner's nonpaying guests and employees, unless department  
 21   inspection is specifically requested and performed at establishments where  
 22   examinations before and after slaughter are otherwise required. The rules of the  
 23   department shall make provision for the furnishing of ~~this~~ <sup>such</sup> inspection service, subject  
 24   to availability of inspector personnel, and for the identification of all animals

1 livestock and poultry custom slaughtered for the owners thereof without department  
2 inspection.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 44, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

3 **SECTION 31.** 97.42 (3) (e) of the statutes is amended to read:

4 97.42 (3) (e) *Periodic inspections.* The department shall make periodic  
5 inspections of construction, operation, facilities, equipment, labeling, sanitation,  
6 and wholesomeness safety of meat and or poultry products, and meat food products  
7 at establishments or any other premises, including vehicles engaged in  
8 transportation of such meat or poultry products. Inspection of products and plant  
9 operations shall cover such operations such as cutting and boning, curing and  
10 smoking, grinding and fabrication, manufacturing, packaging, labeling, storage and  
11 transportation. Periodic inspections of processing operations shall be conducted as  
12 uniformly as possible among establishments subject to overtime inspection under  
13 sub. (4) (f) to avoid the imposition of undue inspection fees against any  
14 establishment. Inspections at overtime rates shall only be held where necessary to  
15 assure wholesomeness and the safety of products for human consumption and  
16 compliance with the requirements of this section and rules of the department.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

\*\*\*\*NOTE: Your instructions were to delete the definition of "wholesomeness," which has largely been substituted with "not adulterated" throughout this draft. Because "wholesome" is no longer a defined term, "wholesomeness" should be substituted with something else in this paragraph. I am not sure that "safety" encompasses the entire meaning of "wholesomeness."

17 **SECTION 32.** 97.42 (3) (em) of the statutes is amended to read:

18 97.42 (3) (em) *Slaughter of farm-raised deer.* The requirements of pars. (a) and  
19 (b) do not apply to the slaughter of a farm-raised deer if its meat food products are  
20 not sold by a person holding a restaurant permit under s. 254.64 or by an operator  
21 of a retail food establishment, as defined under s. 97.30 (1) (c). The operator of an

1 establishment in which farm-raised deer, ~~their carcasses~~ or their meat food products  
2 are examined and inspected under this subsection shall pay the department for the  
3 cost of the department's examination and inspection.

**History:** 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

4 **SECTION 33.** 97.42 (3) (f) of the statutes is amended to read:

5 97.42 (3) (f) *Label requirements.* In addition to label requirements otherwise  
6 provided by law, meat food or poultry products shall bear a label, stamp, mark or tag  
7 including thereon the official inspection mark and identification number of the  
8 establishment where processed. Meat ~~and~~ or poultry products processed and sold at  
9 retail to household consumers on the premises shall do not require official inspection  
10 marks and identification numbers.

**History:** 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

11 **SECTION 34.** 97.42 (4) (a) of the statutes is amended to read:

12 97.42 (4) (a) The inspection before and after slaughter of all ~~animals~~ livestock  
13 and poultry killed or dressed for human consumption at any establishment.

**History:** 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

14 **SECTION 35.** 97.42 (4) (b) of the statutes is amended to read:

15 97.42 (4) (b) The inspection and marking of ~~carcasses or parts thereof~~ meat or  
16 poultry products intended for human consumption, and prohibiting the  
17 unauthorized use of any official inspection mark or simulation or counterfeit thereof.

**History:** 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

18 **SECTION 36.** 97.42 (4) (c) of the statutes is repealed.

19 **SECTION 37.** 97.42 (4) (d) of the statutes is amended to read:

20 97.42 (4) (d) The seizure, retention, and destruction ~~for human consumption~~  
21 of any ~~animal~~ livestock or poultry, ~~carcasses, parts thereof,~~ or meat food or poultry

1 products which have not been inspected or passed or are ~~unwholesome or~~  
2 adulterated or misbranded, for the purpose of preventing human consumption. ✓

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

3 **SECTION 38.** 97.42 (4) (e) 2. of the statutes is amended to read:

4 97.42 (4) (e) 2. The rate of slaughter for the different classes of animals  
5 livestock and poultry conform to reasonable ~~minimums~~ ✓ minimum levels per hour;

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

6 **SECTION 39.** 97.42 (4) (e) 3. of the statutes is amended to read:

7 97.42 (4) (e) 3. Inspection of animals livestock ✓ and poultry slaughtered as a  
8 custom service be restricted to the time of the regular slaughter schedule fixed for  
9 the establishment. When inspection is provided for custom slaughtering and custom  
10 processing the inspection shall be conducted in accordance with sub. (3) (a) to (c) and  
11 rules prescribed under this subsection; and

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

12 **SECTION 40.** 97.42 (4) (f) of the statutes is amended to read:

13 97.42 (4) (f) Overtime agreements with the department whereby the operator  
14 of any establishment subject to a license under sub. (2), agrees to pay the cost for  
15 salaries, at overtime rates, and other expenses of department inspectors whenever  
16 slaughtering, carcass preparation, or the processing of meat or poultry products ~~or~~  
17 ~~meat food products~~ is conducted beyond hours or days limited under par. (e), or on  
18 Saturdays, Sundays, or holidays for state employees under s. 230.35 (4), or before 6  
19 a.m. or after 6 p.m., or in excess of 40 hours in any week. Overtime charges for  
20 periodic inspections under sub. (3) (e) shall, insofar as possible, be limited to the  
21 minimum number of hours reasonably required for the ~~conduct of such~~ ✓ conducting  
22 those inspections. The department may assess overtime charges under this

1 paragraph even though the department provides compensatory time in lieu of  
2 overtime compensation under s. 103.025.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

3 **SECTION 41. 97.42 (4) (g)** of the statutes is amended to read:

4 97.42 (4) (g) Specifications and standards for location, construction, operation,  
5 facilities, equipment, and sanitation for any premises, establishment, or mobile  
6 facility where slaughter or processing is carried on, including custom slaughtering  
7 of animals livestock or poultry and custom or retail processing of meat and or poultry  
8 products.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

9 **SECTION 42. 97.42 (4) (h)** of the statutes is amended to read:

10 97.42 (4) (h) Conditions of sanitation under which ~~carcasses, parts of carcasses,~~  
11 ~~poultry and meat and~~ or poultry products shall be stored, transported, or otherwise  
12 handled by any person engaged in the business of buying, selling, freezing, storing,  
13 transporting, or processing ~~such~~ meat or poultry products.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

14 **SECTION 43. 97.42 (4) (i)** of the statutes is amended to read:

15 97.42 (4) (i) Record-keeping requirements for persons engaged in slaughtering  
16 or processing operations, or in the storage or transportation of meat, or poultry, or  
17 ~~meat food~~ products, including record-keeping requirements for meat brokers and  
18 the registration of meat brokers with the department.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

19 **SECTION 44. 97.42 (4m)** of the statutes is amended to read:

20 97.42 (4m) FEDERAL REQUIREMENTS. Except as provided in rules promulgated  
21 under sub. (4), the operator of an establishment that is required to be licensed under  
22 this section shall comply with 9 CFR parts 307 to 311, 313 to 315, 317 to ~~319~~ 320, 325,

1 412, 416, and 417, and part 381 subparts G, H, I, J, K, L, O and P as they apply to  
2 federally licensed establishments.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

3 **SECTION 45.** 97.42 (5) of the statutes is repealed.

4 **SECTION 46.** 97.42 (6) (a) (intro.) of the statutes is amended to read:

5 97.42 (6) (a) (intro.) No person shall may slaughter any animals livestock or  
6 poultry for the purpose of selling the meat ~~products~~ or poultry products thereof for  
7 human food, or sell, offer for sale, or have in his or her possession with intent to sell  
8 such any meat ~~products~~ or poultry products for human food, unless such animals and  
9 the livestock or poultry and the carcasses meat or poultry products thereof have been  
10 first inspected and approved as provided by any of the following:

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

11 **SECTION 47.** 97.42 (6) (a) 4. of the statutes is repealed.

12 **SECTION 48.** 97.42 (6) (b) of the statutes is amended to read:

13 97.42 (6) (b) No person shall may sell, offer for sale, or have in his or her  
14 possession with intent to sell any meat or poultry products, ~~or meat food products~~  
15 unless they those products have been processed in accordance with this section, or  
16 the federal meat inspection act, or ~~county or municipal ordinances approved by the~~  
17 department.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

18 **SECTION 49.** 97.42 (6) (c) of the statutes is amended to read:

19 97.42 (6) (c) No person shall may slaughter horses, mules, or other equines or  
20 process equine carcasses or meat at establishments where ~~other animals~~ livestock  
21 or poultry are slaughtered or where ~~other~~ meat or poultry products are processed.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

22 **SECTION 50.** 97.42 (6) (d) of the statutes is amended to read:

1           97.42 (6) (d) No county or municipality ~~shall~~ may prohibit the sale of any meat  
2    products or poultry products if such the meat ~~products~~ or poultry products are  
3    inspected and passed by the department, or by the U.S. federal department of  
4    agriculture, ~~or by a county or municipal inspection service approved by the~~  
5    ~~department,~~ provided such the meat ~~products~~ and or poultry products are wholesome  
6    and not adulterated or misbranded at the time of sale. ✓

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

7           **SECTION 51.** 97.42 (7) of the statutes is amended to read:

8           97.42 (7) RIGHT OF ACCESS. No person ~~shall~~ may prevent or attempt to prevent  
9    an inspector or other officer or agent of the department from entering, at any time,  
10   any establishment or any other place where meat ~~products~~ ✓ or poultry products, ~~or~~  
11   ~~foods derived therefrom,~~ are processed, sold, or held for sale, for the purpose of any  
12   examination, inquiry, or inspection in connection with the administration and  
13   enforcement of this section. The examination, inquiry, or inspection may include  
14   taking samples, pictures, and documentary and physical evidence pertinent to  
15   enforcement of this section.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

16          **SECTION 52.** 97.42 (9) (a) of the statutes is amended to read:

17          97.42 (9) (a) When in the opinion of the department, the use of any equipment,  
18   utensil, container, compartment, room, or facilities facility which is unclean or  
19   unsanitary or improperly constructed could lead to contamination of ~~the~~ a meat or  
20   poultry product, the department may attach a “Rejected” tag to ~~it~~ the item, room, or  
21   facility. No equipment, utensil, container, compartment, room, or facility so tagged  
22   may be used until made acceptable and released by a department representative, or

1 until such ~~equipment~~ that item, room, or facility is replaced with an acceptable  
2 equipment item, room, or facility. ✓

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

3 **SECTION 53.** 97.42 (9) (b) 1. of the statutes is amended to read:

4 97.42 (9) (b) 1. When in the opinion of the department any ~~carcass~~, meat or  
5 poultry product, ~~meat food product~~, or supplies or ingredients used in the processing  
6 thereof, may be ~~unwholesome~~, adulterated or misbranded, or otherwise fail to meet  
7 standards or requirements of this section or rules adopted under this section, the  
8 department may tag ~~them~~ the product, supplies, or ingredients with a “Retained” tag  
9 to hold them for further inspection, analysis, or examination. ✓ No ~~carcass~~, meat or  
10 poultry product, ~~meat food product~~, or supplies, or ingredients so tagged may be  
11 used, removed from the premises, or otherwise disposed of unless released by a  
12 department representative. ~~Such products~~ A tagged item may not be retained for  
13 more than 30 days without prior notice to the owner or custodian and the right to an  
14 immediate hearing.

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

15 **SECTION 54.** 97.42 (9) (b) 2. of the statutes is amended to read:

16 97.42 (9) (b) 2. When in the opinion of the department any ~~carcass~~, meat or  
17 poultry product, or supplies or ingredients used in the processing thereof, is  
18 ~~unwholesome~~, adulterated or misbranded, or otherwise fail to meet standards or  
19 requirements of this section or rules adopted under this section, the department may  
20 tag ~~them~~ the product, supplies, or ingredients with a “Detained” tag to hold them for  
21 destruction or other disposition. No ~~carcass~~, meat or poultry product, ~~meat food~~  
22 ~~product~~, or supplies, or ingredients so tagged may be used, removed from the  
23 premises, or otherwise disposed of unless released by a department representative.



1 Such products A tagged item may not be destroyed or detained for more than 30 days  
 2 without prior notice to the owner or custodian and the right to an immediate hearing.

**History:** 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

\*\*\*\*NOTE: Section 97.42 (9) (b) 1. applies when a product may be adulterated; s.  
 97.42 (9) (b) 2. applies when a product is adulterated. Is this difference okay?

3 **SECTION 55.** 97.42 (10) of the statutes is amended to read:

4 97.42 (10) SUSPENSION. The department may, upon written notice, summarily  
 5 suspend the operations in whole or in part at any establishment for substantial  
 6 violations of this section or rules issued hereunder when, in the opinion of the  
 7 department, a continuation of the operation would constitute an imminent danger  
 8 to public health. The department may, upon written notice, summarily suspend  
 9 inspection at any establishment for acts punishable under sub. (8) where such those  
 10 acts substantially impair an inspector's ability to conduct an orderly inspection.  
 11 Upon suspension of operations or inspection, the operator of the establishment may  
 12 demand a hearing to determine whether the suspension should be vacated. The  
 13 department shall, within 5 days after receipt of such the demand, hold a hearing and  
 14 adjudicate the issues as provided in ch. 227. A demand for hearing shall does not,  
 15 however, operate to stay the suspension pending the hearing.

**History:** 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

16 **SECTION 56.** 97.42 (11) of the statutes is amended to read:

17 97.42 (11) EXEMPTION. This section shall does not apply to owners of poultry  
 18 with respect to poultry produced on the owner's farm, provided his or her sales do not  
 19 exceed 1,000 fowl birds annually, and the birds are labeled and tagged to identify the  
 20 name and address of the producer and are marked "NOT INSPECTED". Persons  
 21 processing more than 1,000 fowl birds but less than 20,000 fowl birds shall be fully  
 22 subject to the provisions of this section relating to licensing, sanitation, facilities, and

1 wholesomeness safety of product. If, except that if the department determines that  
 2 the protection of consumers from ~~unwholesome~~ adulterated poultry products will not be  
 3 impaired, it may exempt ~~such~~ these persons from sub. (3) (a) and (b) provided the  
 4 birds are labeled or tagged to identify the name and address of the producer and are  
 5 marked "NOT INSPECTED".

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1994 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185; 2001 a. 56; 2013 a. 302.

6 SECTION 57. 97.45 of the statutes is repealed.

7 (END)

\*\*\* NOTE: Again, I am not sure whether "safe" is an adequate substitute for "wholesome."  
 (See the note following Section 31 of this draft.)

d-note

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1736/P1dn

MCP:↑:....

*date*

*Jed*

Cheryl:

Attached is a preliminary draft regarding meat and poultry inspection. I have included several notes within the draft that should be reviewed and addressed. ✓

Please let me know if you would like any changes made to the attached draft or if you have any questions. ✓

Mary Pfothenauer  
Legislative Attorney  
(608) 266-6778  
mary.pfothenauer@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1736/P1dn  
MCP:jld:rs

March 9, 2015

Cheryl:

Attached is a preliminary draft regarding meat and poultry inspection. I have included several notes within the draft that should be reviewed and addressed.

Please let me know if you would like any changes made to the attached draft or if you have any questions.

Mary Pfothenauer  
Legislative Attorney  
(608) 266-6778  
mary.pfothenauer@legis.wisconsin.gov



2015 -  
LRB-1736/P1

State of Wisconsin

2016 LEGISLATURE

MCP:jld:rs

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     A<sup>N</sup> A<sup>CT</sup> **to repeal** 97.42 (1) (a), 97.42 (1) (c), 97.42 (1) (d) 2., 97.42 (1) (g), 97.42  
2     (1) (j), 97.42 (1) (m), 97.42 (1) (o), 97.42 (4) (c), 97.42 (5), 97.42 (6) (a) 4. and 97.45;  
3     **to amend** 97.42 (title), 97.42 (1) (b), 97.42 (1) (d) (intro.), 97.42 (1) (d) 3., 97.42  
4     (1) (e), 97.42 (1) (f), 97.42 (1) (fm), 97.42 (1) (h), 97.42 (1) (i), 97.42 (1) (k), 97.42  
5     (1) (l), 97.42 (2) (a), 97.42 (2) (b), 97.42 (2) (c), 97.42 (3) (a), 97.42 (3) (b), 97.42  
6     (3) (c), 97.42 (3) (d), 97.42 (3) (e), 97.42 (3) (em), 97.42 (3) (f), 97.42 (4) (a), 97.42  
7     (4) (b), 97.42 (4) (d), 97.42 (4) (e) 2., 97.42 (4) (e) 3., 97.42 (4) (f), 97.42 (4) (g),  
8     97.42 (4) (h), 97.42 (4) (i), 97.42 (4m), 97.42 (6) (a) (intro.), 97.42 (6) (b), 97.42  
9     (6) (c), 97.42 (6) (d), 97.42 (7), 97.42 (9) (a), 97.42 (9) (b) 1., 97.42 (9) (b) 2., 97.42 10 (10) and  
97.42 (11); and **to create** 97.42 (1) (bg), 97.42 (1) (br), 97.42 (1) (em),  
11 97.42 (2) (bg) and 97.42 (3) (cm) of the statutes; **relating to:** regulation of establishments where  
animals are slaughtered or meat is processed, and granting rule-making authority.

---

1  
2

**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:**

3 SECTION 1. 97.42 (title) of the statutes is amended to read:

4 **97.42 (title) Compulsory inspection of ~~animals, livestock and poultry,~~**

5 **~~and meat or poultry and carcasses products.~~**

6 SECTION 2. 97.42 (1) (a) of the statutes is repealed.

\*\*\*\*NOTE: The proposed statutory language you provided included a definition of "adulterated," which was defined to have the meaning given in 9 CFR 301.2. However, s. 97.02 provides a meaning of "adulterated" that applies to chapter 97 as a whole, under which "a food is adulterated if it is adulterated within the meaning of 21 USC 342." The definitions of "adulterated" in 9 CFR 301.2 and 21 USC 342 appear to be nearly identical, so I have not included the addition definition referencing 9 CFR 301.2 in this draft. Is this okay? YES

7 SECTION 3. 97.42 (1) (b) of the statutes is amended to read:

8 97.42 (1) (b) "Capable of use as human food" applies to any ~~carcass or part of~~

9 ~~a carcass of any animal or poultry or animal meat~~ or poultry product unless it is

10 ~~denatured or otherwise,~~ identified as unfit for human consumption as required by

11 department rules, or is naturally inedible by humans.

\*\*\*\*NOTE: The term ~~"denatured"~~ "Denatured" is not defined ~~means altered in~~ appearance or characteristic so as to be rendered unfit for human consumption.

Formatted: Font: 12 pt  
Formatted: Font: 12 pt  
Formatted: Font: 12 pt

12 SECTION 4. 97.42 (1) (bg) of the statutes is created to read:

13 97.42 (1) (bg) "Captive game animal" means an animal of a normally wild type

14 that is produced in captivity for slaughter and consumption. "Captive game animal"

15 does not include a farm-raised deer, ratite, captive game bird, fish, or an animal that

1

2

16

is kept solely for hunting purposes at a hunting preserve.

**SECTION 5**

SECTION 5. 97.42 (1) (br) of the statutes is created to read:

97.42 (1) (br) "Captive game bird" means a bird of a normally wild type that is produced in captivity for slaughter and consumption, including a pheasant, quail, wild turkey, migratory wildfowl, or ~~exotic other bird, as designated by the department.~~ "Captive game bird" does not include poultry, ratites, or birds kept solely for hunting purposes at a hunting preserve.

SECTION 6. 97.42 (1) (c) of the statutes is repealed.

\*\*\*\*NOTE: The plain language description of this request indicates that the term "meat products" would replace the use of carcasses, parts of carcasses, and meat food products. The proposed statutory changes that were provided used the terms "meat products" and "carcasses" interchangeably, and both terms were defined to have the same meaning. This draft eliminates the use of "carcass" entirely, in favor of "meat or poultry products." Yes, this is fine

SECTION 7. 97.42 (1) (d) (intro.) of the statutes is amended to read:

97.42 (1) (d) (intro.) "Establishment" means a plant or premises, including retail premises, where ~~animals~~ livestock or poultry are slaughtered for human consumption, or ~~a plant or premises, including retail premises, where meat or poultry products or meat food products are processed, but shall~~ does not include any of the following:

SECTION 8. 97.42 (1) (d) 2. of the statutes is repealed.

SECTION 9. 97.42 (1) (d) 3. of the statutes is amended to read:

1

2

15 97.42 (1) (d) 3. Premises of a person who is the owner of the animals livestock  
16 or poultry to be slaughtered or of ~~carcasses~~ the meat or poultry products to be  
17 processed, ~~and if~~ the resulting product is for exclusive use by ~~him or her and the~~  
18 owner, members of ~~his or her~~ the owner's household ~~and his or her~~, or the owner's  
19 nonpaying guests and employees.

20 SECTION 10. 97.42 (1) (e) of the statutes is amended to read:



SECTION

1  
2

10

97.42 (1) (e) "Inspector" means any person employed, ~~by the department or any cooperating agency who is or otherwise~~ authorized, by the department to do any work or perform

3 any duty in connection with the department's meat and poultry inspection program.

4 SECTION 11. 97.42 (1) (em) of the statutes is created to read:

5 97.42 (1) (em) "Livestock" means cattle, sheep, swine, goats, farm-raised deer,  
6 alpacas, llamas, bison, ratites, rabbits, and other species that the department  
7 designates as livestock by rule.

8 SECTION 12. 97.42 (1) (f) of the statutes is amended to read:

9 97.42 (1) (f) "Meat broker" means any person engaged in the business of buying 10 or selling  
meat ~~and or~~ poultry products, ~~or meat and poultry food products~~ on

11 commission, or otherwise negotiating purchases or sales of such articles meat or  
12 poultry products other than for the person's own account or as an employee of another  
13 person.

14 SECTION 13. 97.42 (1) (fm) of the statutes is amended to read:

15 97.42 (1) (fm) "Meat distributor" means a person who is engaged in the  
16 business of distributing in this state meat ~~and or~~ poultry products at wholesale.

17 SECTION 14. 97.42 (1) (g) of the statutes is repealed.

18 SECTION 15. 97.42 (1) (h) of the statutes is amended to read:

19 97.42 (1) (h) "Meat ~~products~~ and ~~or~~ poultry products" means ~~the carcasses or~~ 20 any  
parts, including the viscera, of carcasses of animals and slaughtered livestock

1

2

21 or poultry that are capable of use as human food.

22 SECTION 16. 97.42 (1) (i) of the statutes is amended to read:

23 97.42 (1) (i) "Mobile processor" means a person, other than the owner of the  
24 meat or poultry products being processed, who ~~provides a meat processing service to~~  
25 processes meat or poultry products for the general public for compensation other 16

than the trading of services on an exchange basis, and ~~conducts the meat processing who~~  
processes the meat or poultry products at the premises of the owner of the

3 ~~carcasses~~ meat or poultry products being processed.

4 SECTION 17. 97.42 (1) (j) of the statutes is repealed.

5 SECTION 18. 97.42 (1) (k) of the statutes is amended to read:

6 97.42 (1) (k) "Official inspection mark" means the symbol formulated under the  
7 rules of the department to ~~state~~ indicate that the meat, or poultry ~~or~~ product was  
8 inspected pursuant to ~~such~~ the department's rules.

9 SECTION 19. 97.42 (1) (L) of the statutes is amended to read:

10 97.42 (1) (L) "Poultry" means any domesticated ~~fewl~~ birds, including ~~but not~~  
11 ~~limited to~~ chickens, turkeys, geese, ducks, or guineas, but ~~shall~~ does not include  
12 ~~commercially produced~~ captive game birds or ratites.

13 SECTION 20. 97.42 (1) (m) of the statutes is repealed.

14 SECTION 21. 97.42 (1) (o) of the statutes is repealed.

\*\*\*\*NOTE: The definition of "wholesome" is repealed here according to the drafting request. However, under the proposed statutory language, the term "wholesome" was still used in s. 97.42. Because the term "unwholesome" is replaced with "adulterated" in this draft, I have replaced the term "wholesome" with "not adulterated." But note that unlike the term "wholesome" which is defined under current law, the term "not adulterated" (or "unadulterated") is not defined in this

## SECTION

1

2

draft. This is okay because adulterated is defined and we have changed some language later in the draft to accommodate the drafter's concern.

15 SECTION 22. 97.42 (2) (a) of the statutes is amended to read:  
 16 97.42 (2) (a) ~~No~~ Subject to pars. (b) and (bg), no person may operate an  
 17 establishment ~~as defined in sub. (1) (d)~~ without a valid license issued by the  
 18 department ~~for each such establishment~~. That license expires on June 30 annually,  
 19 except that a license issued for a new establishment on or after March 30 but before  
 20 July 1 expires on June 30 of the following year. No license may be issued unless the  
 21 applicant has complied with the requirements of this section. The department shall  
 22 establish by rule the annual license fee is fees for establishments, not to exceed \$200,  
 22

~~except the~~ based on the type of mandatory inspection required to be performed at the  
establishment. The department shall establish a reduced annual license fee ~~shall be~~

3 ~~\$80~~ for those establishments engaged only in slaughtering uninspected animals  
 4 livestock or poultry or processing uninspected meat or poultry products as a custom  
 5 service, ~~and but not in for~~ other operations ~~subject to~~ for which a license under this  
 6 section is required. No person may be required to obtain a license under s. 97.29 or  
 7 97.30 for activities licensed under this section or ~~which is for activities establishments~~  
 8 inspected  
 under 21 USC 451 to 472 and 601 to 695.

\*\*\*\*NOTE: It is not clear to me whether the "which" in the final sentence of s. 97.42 (2) (a) refers to activities or establishments. Is the above change okay, or should the end of that sentence read "or for establishments inspected under 21 USC 451 to 472 and 601 to 695"? See above

\*\*\*\*NOTE: The plain language description of the request states that the license fee for more complex establishments would not exceed the current level, but this concept was not included in

1

2

the proposed statutory language that was provided. I have limited the annual fees that are to be established by DNR to \$200; there is not a similar limitation for the reduced fees. Is this okay? Yes

9

SECTION 23. 97.42 (2) (b) of the statutes is amended to read:

10

97.42 (2) (b) Paragraph (a) does not apply to any person operating an

11

establishment that only processes meat or poultry products, ~~or meat or poultry food~~

12

~~products~~, for sale directly to consumers at retail on the premises where the products

13

were processed, if only inspected meat is or poultry products are permitted on the

14

premises and sales to restaurants ~~and, institutions, and retail food establishments~~

Commented [DCF1]: This was our mistake including retail food establishments

15

are restricted to 25% of the ~~volume gross annual value of meat sales or \$28,800 annual~~

Formatted: Not Strikethrough

16

the adjusted dollar limitation published by the federal department of agriculture

17

under 9 CFR 303.1 (d) (2) (iii) (b), whichever is less. No person exempt from licensure 18

under this paragraph may sell any cured, smoked, ~~seasoned, canned, or cooked meat-~~

Commented [DCF2]: Our mistake again because it would implicate fresh bratwurst and hamburger meat, a big no-no in Wisconsin ☺

19

~~food or poultry products produced by that person to restaurants, or, institutions, or~~

Formatted: Not Strikethrough

2019

retail food establishments.

Formatted: Space After: 10.6 pt

SECTION 24. 97.42 (2) (bg) of the statutes is created to read:

97.42 (2) (bg) Paragraph (a) does not apply to any person operating an

3

establishment that meets the requirements under 9 CFR 303.1 (d) (2) (iv) (c) or (e)

4

(1), or 381.10 (d) (2) (iv) (c) or (e) (1).

5

SECTION 25. 97.42 (2) (c) of the statutes is amended to read:

6

97.42 (2) (c) No person may operate as ~~a mobile slaughterer or as a mobile~~

7

processor without an annual registration certificate issued by the department,

## SECTION

1

2

8 except that no registration certificate is required for ~~a mobile slaughterer or a mobile~~  
9 processor who holds a license issued under par. (a). A registration certificate expires  
10 on June 30, annually. An application for an annual registration certificate shall be 11  
submitted on a form provided by the department and shall include information  
12 reasonably required by the department for registration purposes. The department  
13 shall promulgate rules regulating ~~mobile slaughterers and~~ mobile processors,  
14 including rules related to facilities, sanitation, identification of carcasses, and record  
15 keeping.

16 SECTION 26. 97.42 (3) (a) of the statutes is amended to read:

17 97.42 (3) (a) *Examination before slaughter.* For the purpose of preventing the  
18 sale and use in this state of meat ~~products and or~~ poultry products ~~which that~~ are 19  
~~unwholesome adulterated~~ or otherwise ~~unfit for~~ not capable of use as human food,  
20 the department shall cause to be made, by inspectors who may be veterinarians on  
21 either a full-time or part-time basis, under supervision of the department, ~~an~~ 22 examination  
and inspection of all ~~animals~~ livestock and poultry before they are 23 slaughtered in any  
establishment, except as provided in pars. (d) and (em). All  
24 ~~animals~~ livestock and poultry found ~~on such inspection~~ to show symptoms of disease  
25 shall be condemned or set apart and slaughtered separately from all other ~~animals- 26~~  
livestock and poultry, and when so slaughtered the ~~carcasses~~ meat or poultry products thereof  
shall be subject to careful examination, inspection, and disposition,

3 in accordance with rules issued by the department.

4 SECTION 27. 97.42 (3) (b) of the statutes is amended to read:

## SECTION

1

2

5

97.42 (3) (b) *Examination after slaughter.* For the purpose stated in par. (a),

6

the department shall cause to be made, by inspectors ~~under supervision of the~~

7

~~department,~~ who may be veterinarians on either a full-time or part-time basis,

8

under supervision of the department, an examination and inspection of the ~~carcasses~~

9

~~and parts thereof~~ meat or poultry products of all animals livestock and poultry

10

slaughtered at any establishment, except as provided in pars. (d) and (em). The

11

~~carcasses and parts thereof of all animals and~~ Meat or poultry products found to be

12

~~wholesome and fit for~~ not adulterated and capable of use as human food shall be 13 marked,

stamped, tagged, or labeled by inspectors as "Wis. inspected and passed".

14

Inspectors shall mark, stamp, tag, or label as "Wis. inspected and condemned" all

15

~~carcasses and parts thereof of animals and~~ meat or poultry products found to be

16

~~unwholesome or otherwise unfit for human food~~ adulterated or otherwise not

17

capable of use as human food, and all ~~carcasses and parts thereof~~ meat or poultry

18

products so inspected and condemned shall be destroyed, in accordance with rules

19

issued by the department. Inspection marks, stamps, tags, and labels shall be

20

prescribed by the department and shall include thereon the identification number

21

of the establishment assigned by the department.

22

SECTION 28. 97.42 (3) (c) of the statutes is amended to read:

23

97.42 (3) (c) *Reexaminations.* Inspectors shall, when deemed advisable, 24 reinspect

~~carcasses, parts thereof or meat food~~ or poultry products to determine

## SECTION

1

2

25 whether ~~the same~~ they have become ~~unwholesome~~ adulterated or ~~in any other way~~ 28

~~unfit for~~ otherwise not capable of use as human food. If any ~~carcasses, parts thereof or meat~~  
~~feed or poultry~~ products, upon a reexamination, are found to be ~~unwholesome~~

3 adulterated or otherwise ~~unfit for~~ not capable of use as human food, they shall be  
4 destroyed, in accordance with rules issued by the department.

5 SECTION 29. 97.42 (3) (cm) of the statutes is created to read:

6 97.42 (3) (cm) *Voluntary reimbursable inspection services.* The department  
7 shall provide slaughter inspection services for licensed establishments for certain 8  
captive game animals and captive game birds, and shall designate by rule the species  
9 of captive game animals and captive game birds for which these services may be  
10 provided. The establishment requesting these services shall reimburse the  
11 department for the actual cost of providing the services at rates established by rule  
12 by the department.

13 SECTION 30. 97.42 (3) (d) of the statutes is amended to read:

14 97.42 (3) (d) *Custom service slaughtering.* This subsection ~~shall~~ does not apply  
15 to animals livestock and poultry slaughtered as a custom service for the owner of the  
16 livestock or poultry exclusively for use by the owner ~~and~~ members of the owner's  
17 household, and the owner's nonpaying guests and employees, unless department  
18 inspection is specifically requested and performed at establishments where  
19 examinations before and after slaughter are otherwise required. The rules of the  
20 department shall make provision for the furnishing of ~~such~~ this inspection service,

1

2

21 subject to availability of inspector personnel, and for the identification of all animals

22 livestock and poultry custom slaughtered for the owners thereof without department

23 inspection.

24 SECTION 31. 97.42 (3) (e) of the statutes is amended to read:

31

97.42 (3) (e) *Periodic inspections.* The department shall make periodic inspections of construction, operation, facilities, equipment, labeling, sanitation,

3 and ~~wholesomeness~~ safety of practices done to sure meat and or poultry products are not adulterated, and meat food products

4 at establishments or any other premises, including vehicles engaged in

5 transportation of such meat or poultry products. Inspection of products and plant6 operations shall cover such operations such as cutting and boning, curing and

7 smoking, grinding and fabrication, manufacturing, packaging, labeling, storage and

8 transportation. Periodic inspections of processing operations shall be conducted as

9 uniformly as possible among establishments subject to overtime inspection under

10 sub. (4) (f) to avoid the imposition of undue inspection fees against any

11 establishment. Inspections at overtime rates shall only be held where necessary to

12 assure ~~wholesomeness and~~ the safety of products for human consumption and

13 compliance with the requirements of this section and rules of the department.

\*\*\*\*NOTE: Your instructions were to delete the definition of "wholesomeness," which has largely been substituted with "not adulterated" throughout this draft. Because "wholesome" is no longer a defined term, "wholesomeness" should be substituted with something else in this paragraph. I am not sure that "safety" encompasses the entire meaning of "wholesomeness." See above.



## SECTION

1

2

14 SECTION 32. 97.42 (3) (em) of the statutes is amended to read:

15 97.42 (3) (em) *Slaughter of farm-raised deer.* The requirements of pars. (a) and 16 (b)

do not apply to the slaughter of a farm-raised deer if its meat food products are

17 not sold by a person holding a restaurant permit under s. 254.64 or by an operator

18 of a retail food establishment, as defined under s. 97.30 (1) (c). The operator of an

19 establishment in which farm-raised deer, ~~their carcasses~~ or their meat food products

20 are examined and inspected under this subsection shall pay the department for the

21 cost of the department's examination and inspection.

22 SECTION 33. 97.42 (3) (f) of the statutes is amended to read:

1  
2

33

97.42 (3) (f) *Label requirements.* In addition to label requirements otherwise provided by law, meat ~~food~~ or poultry products shall bear a label, stamp, mark or tag

including thereon the official inspection mark and identification number of the establishment where processed. Meat ~~and~~ or poultry products processed and sold at retail to household consumers on the premises shall do not require official inspection marks and identification numbers.

SECTION 34. 97.42 (4) (a) of the statutes is amended to read:

97.42 (4) (a) The inspection before and after slaughter of all ~~animals~~ livestock and poultry killed or dressed for human consumption at any establishment.

SECTION 35. 97.42 (4) (b) of the statutes is amended to read:

97.42 (4) (b) The inspection and marking of ~~carcasses or parts thereof~~ meat or poultry products intended for human consumption, and prohibiting the unauthorized use of any official inspection mark or simulation or counterfeit thereof.

SECTION 36. 97.42 (4) (c) of the statutes is repealed.

SECTION 37. 97.42 (4) (d) of the statutes is amended to read:

97.42 (4) (d) The seizure, retention, and destruction ~~for human consumption~~ of any animal livestock or poultry, ~~carcasses, parts thereof, or meat food or poultry~~ products which have not been inspected or passed or are ~~unwholesome or~~ adulterated or misbranded, for the purpose of preventing human consumption.

SECTION 38. 97.42 (4) (e) 2. of the statutes is amended to read:

SECTION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

97.42 (4) (e) 2. The rate of slaughter for the different classes of ~~animals-livestock~~ and poultry conform to reasonable ~~minimums~~ minimum levels per hour;

SECTION 39. 97.42 (4) (e) 3. of the statutes is amended to read:

97.42 (4) (e) 3. Inspection of ~~animals~~ livestock and poultry slaughtered as a custom service be restricted to the time of the regular slaughter schedule fixed for 39

the establishment. When inspection is provided for custom slaughtering and custom processing the inspection shall be conducted in accordance with sub. (3) (a) to (c) and

rules prescribed under this subsection; and

SECTION 40. 97.42 (4) (f) of the statutes is amended to read:

97.42 (4) (f) Overtime agreements with the department whereby the operator of any establishment subject to a license under sub. (2); agrees to pay the cost for salaries, at overtime rates, and other expenses of department inspectors whenever slaughtering, carcass preparation, or the processing of meat or poultry products ~~or meat food products~~ is conducted beyond hours or days limited under par. (e), or on Saturdays, Sundays, or holidays for state employees under s. 230.35 (4), or before 6 11 a.m. or after 6 p.m., or in excess of 40 hours in any week. Overtime charges for periodic inspections under sub. (3) (e) shall, insofar as possible, be limited to the minimum number of hours reasonably required for ~~the conduct of such~~ conducting

1

2

14 those inspections. The department may assess overtime charges under this  
15 paragraph even though the department provides compensatory time in lieu of  
16 overtime compensation under s. 103.025.

17 SECTION 41. 97.42 (4) (g) of the statutes is amended to read:

18 97.42 (4) (g) Specifications and standards for location, construction, operation, 19  
facilities, equipment, and sanitation for any premises, establishment, or mobile  
20 facility where slaughter or processing is carried on, including custom slaughtering  
21 of animals livestock or poultry and custom or retail processing of meat and or poultry  
22 products.

23 SECTION 42. 97.42 (4) (h) of the statutes is amended to read:

24 97.42 (4) (h) Conditions of sanitation under which ~~carcasses, parts of carcasses,~~  
25 ~~poultry and meat and~~ or poultry products shall be stored, transported, or otherwise 42

handled by any person engaged in the business of buying, selling, freezing, storing,  
transporting, or processing such meat or poultry products.

3 SECTION 43. 97.42 (4) (i) of the statutes is amended to read:

4 97.42 (4) (i) Record-keeping requirements for persons engaged in slaughtering  
5 or processing operations, or in the storage or transportation of meat, or poultry, ~~or~~  
6 ~~meat food~~ products, including record-keeping requirements for meat brokers and  
7 the registration of meat brokers with the department.

8 SECTION 44. 97.42 (4m) of the statutes is amended to read:

9 97.42 (4m) FEDERAL REQUIREMENTS. Except as provided in rules promulgated

## SECTION

1  
2  
10  
11  
12  
13  
14  
15  
16  
17  
18  
20  
  
21  
22  
23  
24  
25

under sub. (4), the operator of an establishment that is required to be licensed under this section shall comply with 9 CFR parts 307 to 311, 313 to 315, 317 to ~~319~~ 320, 325, 412, 416, and 417, and part 381 subparts G, H, I, J, K, L, O and P as they apply to federally licensed establishments.

SECTION 45. 97.42 (5) of the statutes is repealed.

SECTION 46. 97.42 (6) (a) (intro.) of the statutes is amended to read:

97.42 (6) (a) (intro.) No person shall ~~may~~ slaughter any animals livestock or poultry for the purpose of selling the meat ~~products~~ or poultry products thereof for human food, or sell, offer for sale, or have in his or her possession with intent to sell ~~19~~ such any meat ~~products~~ or poultry products for human food, unless ~~such animals and~~ the livestock or poultry and the carcasses meat or poultry products thereof have been first inspected and approved as provided by any of the following:

SECTION 47. 97.42 (6) (a) 4. of the statutes is repealed.

SECTION 48. 97.42 (6) (b) of the statutes is amended to read:

97.42 (6) (b) No person shall may sell, offer for sale, or have in his or her possession with intent to sell any meat or poultry products, ~~or meat food products~~ **48** unless ~~they~~ those products have been processed in accordance with this section, ~~or the federal meat inspection act, or county or municipal ordinances approved by the~~

SECTION

1  
2

3 department.

4 SECTION 49. 97.42 (6) (c) of the statutes is amended to read:

5 97.42 (6) (c) No person shall may slaughter horses, mules, or other equines or  
6 process equine carcasses or meat at establishments where ~~other animals~~ livestock  
7 or poultry are slaughtered or where ~~other~~ meat or poultry products are processed.

8 SECTION 50. 97.42 (6) (d) of the statutes is amended to read:

9 97.42 (6) (d) No county or municipality shall may prohibit the sale of any meat 10 products or  
poultry products if ~~such the~~ the meat products or poultry products are 11 inspected and passed by the  
department, or by the ~~U.S. federal~~ department of

12 agriculture, ~~or by a county or municipal inspection service approved by the~~  
13 department, provided ~~such the~~ the meat products and or poultry products are wholesome  
14 and not adulterated or misbranded at the time of sale.

15 SECTION 51. 97.42 (7) of the statutes is amended to read:

16 97.42 (7) RIGHT OF ACCESS. No person shall may prevent or attempt to prevent  
17 an inspector or other officer or agent of the department from entering, at any time,  
18 any establishment or any other place where meat products or poultry products, ~~or~~  
19 feeds derived therefrom, are processed, sold, or held for sale, for the purpose of any  
20 examination, inquiry, or inspection in connection with the administration and  
21 enforcement of this section. The examination, inquiry, or inspection may include  
22 taking samples, pictures, and documentary and physical evidence pertinent to  
23 enforcement of this section.

SECTION

1  
2  
24  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
21  
22  
23  
24  
25

SECTION 52. 97.42 (9) (a) of the statutes is amended to read:

52

97.42 (9) (a) When in the opinion of the department, the use of any equipment, utensil,  
container, compartment, room, or ~~facilities~~ facility which is unclean or  
unsanitary or improperly constructed could lead to contamination of ~~the a~~ a meat or  
poultry product, the department may attach a "Rejected" tag to ~~it~~ the item, room, or  
facility. No equipment, utensil, container, compartment, room, or facility so tagged  
may be used until made acceptable and released by a department representative, or  
until ~~such equipment~~ that item, room, or facility is replaced with an acceptable  
~~equipment~~ item, room, or facility.

SECTION 53. 97.42 (9) (b) 1. of the statutes is amended to read:

97.42 (9) (b) 1. When in the opinion of the department any ~~carcass,~~ meat or  
poultry product, ~~meat food product,~~ or supplies or ingredients used in the processing  
thereof, may be ~~unwholesome,~~ adulterated or misbranded, or otherwise fail to meet  
standards or requirements of this section or rules adopted under this section, the  
department may tag ~~them~~ the product, supplies, or ingredients with a "Retained" tag  
to hold them for further inspection, analysis, or examination. No ~~carcass,~~ meat or  
poultry product, ~~meat food product,~~ or supplies, or ingredients so tagged may be

1

2

17 used, removed from the premises, or otherwise disposed of unless released by a  
18 department representative. ~~Such products~~ A tagged item may not be retained for 19  
more than 30 days without prior notice to the owner or custodian and the right to an  
20 immediate hearing.

SECTION 54. 97.42 (9) (b) 2. of the statutes is amended to read:

97.42 (9) (b) 2. When in the opinion of the department any ~~carcass~~, meat or poultry  
product, or supplies or ingredients used in the processing thereof, is ~~unwholesome~~,  
adulterated or misbranded, or otherwise fails to meet standards or requirements of this  
section or rules adopted under this section, the department may 54

~~tag them, the product, supplies, or ingredients~~ with a "Detained" tag to hold them for  
destruction or other disposition. No ~~carcass~~, meat or poultry product, ~~meat food~~

3 ~~product, or supplies, or ingredients~~ so tagged may be used, removed from the  
4 premises, or otherwise disposed of unless released by a department representative.  
5 ~~Such products~~ A tagged item may not be destroyed or detained for more than 30 days 6  
without prior notice to the owner or custodian and the right to an immediate hearing.

\*\*\*\*NOTE: Section 97.42 (9) (b) 1. applies when a product may be adulterated; s.  
97.42 (9) (b) 2. applies when a product is adulterated. Is this difference okay? Yes

7

SECTION 55. 97.42 (10) of the statutes is amended to read:

8

97.42 (10) SUSPENSION. The department may, upon written notice, summarily

9

suspend the operations in whole or in part at any establishment for substantial

10

violations of this section or rules issued hereunder when, in the opinion of the



## SECTION

1

2

11 department, a continuation of the operation would constitute an imminent danger  
12 to public health. The department may, upon written notice, summarily suspend  
13 inspection at any establishment for acts punishable under sub. (8) where ~~such~~ those  
14 acts substantially impair an inspector's ability to conduct an orderly inspection.  
15 Upon suspension of operations or inspection, the operator of the establishment may  
16 demand a hearing to determine whether the suspension should be vacated. The 17  
18 department shall, within 5 days after receipt of ~~such~~ the demand, hold a hearing and  
19 adjudicate the issues as provided in ch. 227. A demand for hearing ~~shall~~ does not,  
20 however, operate to stay the suspension pending the hearing.

SECTION 56. 97.42 (11) of the statutes is amended to read:

21 97.42 (11) EXEMPTION. This section ~~shall~~ does not apply to owners of poultry  
22 with respect to poultry produced on the owner's farm, provided his or her sales do not  
23 exceed 1,000 ~~fowl~~ birds annually, and the birds are labeled and tagged to identify the

21

22

23

24

25

## SECTION

56

1 name and address of the producer and are marked  
"NOT INSPECTED". Persons

2 processing more than 1,000 ~~fewl~~ birds but less than  
20,000 ~~fewl~~ birds shall be fully

3 subject to the provisions of this section relating to  
licensing, sanitation, facilities, and

4 ~~wholesomeness~~ safety of practices done to sure the  
product is not adulterated. ~~If, except that, if~~ the  
department determines that

5 the protection of consumers from ~~unwholesome~~  
adulterated poultry products will not

6 be impaired, it may exempt ~~such~~ these persons  
from sub. (3) (a) and (b) provided the

7 birds are labeled or tagged to identify the name and  
address of the producer and are

8 marked "NOT INSPECTED".

\*\*\*\*NOTE: Again, I am not sure whether "safe" is an adequate substitute for  
"wholesome." (See the note following SECTION 31 of this draft.) See above.

9 SECTION 57. 97.45 of the statutes is repealed.

10 (END)