



In 4/10/15
State of Wisconsin
2015 - 2016 LEGISLATURE
Redraft

LRB-1736/P3 → /p4
MCP:jld:jd

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Changes on
pp. 2, 2, + 6 only

4 Regen

1 AN ACT *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) (a), 97.42 (2) (b), 97.42 (2) (c), 97.42 (3) (a), 97.42
6 (3) (b), 97.42 (3) (c), 97.42 (3) (d), 97.42 (3) (e), 97.42 (3) (em), 97.42 (3) (f), 97.42
7 (4) (a), 97.42 (4) (b), 97.42 (4) (d), 97.42 (4) (e) 2., 97.42 (4) (e) 3., 97.42 (4) (f),
8 97.42 (4) (g), 97.42 (4) (h), 97.42 (4) (i), 97.42 (4m), 97.42 (6) (a) (intro.), 97.42
9 (6) (b), 97.42 (6) (c), 97.42 (6) (d), 97.42 (7), 97.42 (9) (a), 97.42 (9) (b) 1., 97.42
10 (9) (b) 2., 97.42 (10) and 97.42 (11); and *to create* 97.42 (1) (bg), 97.42 (1) (br),
11 97.42 (1) (cm), 97.42 (1) (em), 97.42 (2) (bg) and 97.42 (3) (cm) of the statutes;

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

Analysis by the Legislative Reference Bureau

Under current law, the Department of Agriculture, Trade and Consumer Protection (DATCP) administers a licensing and inspection program for meat and poultry slaughtering and processing. Current law generally requires, with some exceptions, certain establishments that slaughter animals or poultry, or that process meat products or poultry products, to be licensed and pay an annual license fee; and for inspectors who are supervised by DATCP to inspect animals and poultry before they are slaughtered, and to inspect and label their carcasses after slaughter. This bill makes the following changes to the program.

Terminology

This bill combines the definitions of “carcass,” “meat food products,” “meat products,” and “poultry products” into a single defined term, “meat or poultry products.” The bill also replaces the term “animal” with “livestock,” and eliminates the term “unwholesome” in favor of the term “adulterated” as that term is defined in the federal Food, Drug, and Cosmetic Act. *The bill also combines the definitions of “mobile processor” and “mobile slaughterer” into a single definition for “mobile processor.”*

License fees

Current law requires certain establishments that slaughter livestock or poultry, or that process meat or poultry products, to pay an annual license fee of \$200. Establishments that only slaughter uninspected livestock or poultry or process uninspected meat or poultry products as a custom service pay a reduced annual license fee of \$80.

This bill requires DATCP to set, by rule, the annual license fees for establishments based on the type of inspection required, which are not to exceed \$200, and to establish a reduced annual license fee for establishments that only slaughter livestock or poultry or process meat or poultry products as a custom service.

Exemptions

Current law also creates an exemption to the licensing and fee requirements for establishments that only process meat or poultry products for retail sale directly to customers on the premises, if only inspected meat or poultry products are allowed on the premises, and if sales to restaurants and institutions do not exceed either 25 percent of the establishment’s sales or \$28,800 annually, whichever amount is less.

This bill changes the third requirement to this exemption so that sales to hotels, restaurants, and institutions must not exceed either 25 percent of the establishment’s gross annual value of sales of meat or poultry products or the adjusted dollar limitation that is published by the federal Department of Agriculture, whichever is less. *exemptions ✓*

This bill creates an additional exemption to the licensing and fee requirements for establishments that meet certain federal Department of Agriculture

Ins. Analysis ✓

the slaughter of

voluntary

requirements relating to operations traditionally done at retail stores and restaurants, such as cutting up, grinding, freezing, cooking, and wrapping. This bill also creates an exemption to the licensing and inspection requirements for establishments that slaughter or process captive game animals and captive game birds, as defined in the bill, and eliminates the registration requirements for mobile slaughterers. The bill also requires DATCP to provide slaughter inspection services to licensed establishments for captive game animals and captive game birds, and to designate by rule which species are eligible for those services. The bill also requires the establishment requesting the inspection services to reimburse DATCP for the cost of the services, at rates to be established by DATCP by rule. animal ✓

upon request

Inspections

bird ✓

designated by rule as DATCP

Current law allows DATCP to suspend an inspection at an establishment for acts that substantially impair an inspector's ability to conduct an orderly inspection. This bill adds the requirement that DATCP must provide written notice of suspension of the inspection.

Other

Current law requires the operator of a licensed establishment to comply with specific federal Department of Agriculture regulations. This bill instead requires operators to comply with federal requirements as provided in rules that are promulgated by DATCP.

Finally, current law allows DATCP to enter into agreements with counties and municipalities for inspection and enforcement services. Current law also allows livestock and poultry, and meat or poultry products, to be inspected and approved under state law, the federal Meat Inspection Act, the federal Poultry Products Inspection Act, or county or municipal ordinances or regulations that have been approved by DATCP. This bill eliminates the provisions relating to county and municipal ordinances and inspections.

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.** 97.42 (title) of the statutes is amended to read:
- 2 **97.42 (title) Compulsory inspection of animals, livestock or poultry,**
- 3 **and meat or poultry and carcasses products.**
- 4 **SECTION 2.** 97.42 (1) (a) of the statutes is repealed.
- 5 **SECTION 3.** 97.42 (1) (b) of the statutes is amended to read:

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

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

6 97.42 (1) (bg) “Captive game animal” means an animal of a normally wild type
7 that is produced in captivity for slaughter and consumption. “Captive game animal”
8 does not include a farm-raised deer, ratite, captive game bird, fish, or an animal that
9 is kept solely for hunting purposes at a hunting preserve.

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

11 97.42 (1) (br) “Captive game bird” means a bird of a normally wild type that
12 is produced in captivity for slaughter and consumption, including a pheasant, quail,
13 wild turkey, migratory wildfowl, or other bird that the department designates as a
14 captive game bird by rule. “Captive game bird” does not include poultry, ratites, or
15 birds kept solely for hunting purposes at a hunting preserve.

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

17 **SECTION 7.** 97.42 (1) (cm) of the statutes is created to read:

18 97.42 (1) (cm) “Denature” means to intentionally make an item unfit for human
19 consumption by adding a substance to it to alter the item’s appearance or other
20 natural characteristics.

21 **SECTION 8.** 97.42 (1) (d) (intro.) of the statutes is amended to read:

22 97.42 (1) (d) (intro.) “Establishment” means a plant or premises, including
23 retail premises, where ~~animals~~ livestock or poultry are slaughtered for human
24 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:

3 **SECTION 9.** 97.42 (1) (d) 2. of the statutes is repealed.

4 **SECTION 10.** 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 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.

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

11 97.42 (1) (e) “Inspector” means any person employed by ~~the department or any~~
12 ~~cooperating agency who is~~ or authorized by the department to do any work or perform
13 any duty in connection with the department’s meat and poultry inspection program.

14 **SECTION 12.** 97.42 (1) (em) of the statutes is created to read:

15 97.42 (1) (em) “Livestock” 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.

18 **SECTION 13.** 97.42 (1) (f) 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
22 poultry products other than for the person’s own account or as an employee of another
23 person.

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

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

3 SECTION 15. 97.42 (1) (g) of the statutes is repealed.

4 SECTION 16. 97.42 (1) (h) of the statutes is amended to read:

5 97.42 (1) (h) "Meat products" ~~and "or poultry products"~~ means ~~the carcasses or~~
6 any parts, including the viscera, of carcasses of animals and slaughtered livestock
7 or poultry that are capable of use as human food.

8 SECTION 17. 97.42 (1) (i) of the statutes is amended to read:

9 ✓ 97.42 (1) (i) "Mobile processor" means a person, other than the owner of the
10 livestock or poultry being slaughtered or the
11 meat or poultry products being processed, who ~~provides a meat processing service to~~
12 slaughters livestock or poultry or ✓
13 processes meat or poultry products for the general public for compensation other
14 than the trading of services on an exchange basis, and conducts the meat processing plain
15 who processes the meat or poultry products at the premises of the owner of the
16 carcasses meat or poultry products being processed. ✓
17 livestock or poultry being slaughtered or the ✓

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

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

17 97.42 (1) (k) "Official inspection mark" means the symbol formulated under the
18 rules of the department to state indicate that the meat, or poultry ~~or~~ product was
19 inspected pursuant to such the department's rules.

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

21 97.42 (1) (L) "Poultry" means any domesticated fowl birds, including ~~but not~~
22 ~~limited to~~ chickens, turkeys, geese, ducks, or guineas, but ~~shall~~ does not include
23 ~~commercially produced captive game birds or ratites.~~

24 SECTION 21. 97.42 (1) (m) of the statutes is repealed.

25 SECTION 22. 97.42 (1) (o) of the statutes is repealed.

1 **SECTION 23.** 97.42 (2) (a) of the statutes is amended to read:

2 97.42 (2) (a) ~~No Subject to pars. (b) and (bg), no person may operate an~~
3 ~~establishment as defined in sub. (1) (d) without a valid license issued by the~~
4 ~~department for each such establishment. That license expires on June 30 annually,~~
5 ~~except that a license issued for a new establishment on or after March 30 but before~~
6 ~~July 1 expires on June 30 of the following year. No license may be issued unless the~~
7 ~~applicant has complied with the requirements of this section. The annual license fee~~
8 ~~is \$200, except the annual license fee shall be \$80 for those establishments engaged~~
9 ~~only in slaughtering uninspected animals livestock or poultry or processing~~
10 ~~uninspected meat or poultry products as a custom service, and but not in for other~~
11 ~~operations subject to for which a license under this section is required. No person~~
12 ~~may be required to obtain a license under s. 97.29 or 97.30 for activities licensed~~
13 ~~under this section or which is for establishments inspected under 21 USC 451 to 472~~
14 ~~and 601 to 695.~~

15 **SECTION 24.** 97.42 (2) (a) of the statutes, as affected by 2015 Wisconsin Act ...
16 (this act), is amended to read:

17 97.42 (2) (a) Subject to pars. (b) and (bg), no person may operate an
18 establishment without a valid license issued by the department. That license expires
19 on June 30 annually, except that a license issued for a new establishment on or after
20 March 30 but before July 1 expires on June 30 of the following year. No license may
21 be issued unless the applicant has complied with the requirements of this section.
22 The department shall establish by rule the annual license fee is fees for
23 establishments, not to exceed \$200, except the based on the type of mandatory
24 inspection required to be performed at the establishment. The department shall
25 establish a reduced annual license fee shall be \$80 for those establishments engaged

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

6 **SECTION 25.** 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 hotels, restaurants, and institutions are restricted to 25% of
12 the ~~volume~~ gross annual value of meat or poultry product 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 hotels, restaurants, or
17 institutions.

18 **SECTION 26.** 97.42 (2) (bg) of the statutes is created to read:

19 97.42 (2) (bg) Paragraph (a) does not apply to any person operating an
20 establishment that meets the requirements under 9 CFR 303.1 (d) (2) (iv) (c) or (e)
21 (1), or 381.10 (d) (2) (iv) (c) or (e) (1).

22 **SECTION 27.** 97.42 (2) (c) of the statutes is amended to read:

23 97.42 (2) (c) No person may operate as ~~a mobile slaughterer~~ or as a mobile
24 processor without an annual registration certificate issued by the department,
25 except that no registration certificate is required for ~~a mobile slaughterer~~ or a mobile

1 processor who holds a license issued under par. (a). A registration certificate expires
2 on June 30, annually. An application for an annual registration certificate shall be
3 submitted on a form provided by the department and shall include information
4 reasonably required by the department for registration purposes. The department
5 shall promulgate rules regulating ~~mobile slaughterers and~~ mobile processors,
6 including rules related to facilities, sanitation, identification of carcasses, and record
7 keeping.

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

9 97.42 (3) (a) *Examination before slaughter.* For the purpose of preventing the
10 sale and use in this state of meat ~~products and~~ or poultry products ~~which~~ that are
11 unwholesome adulterated or otherwise unfit for not capable of use as human food,
12 the department shall cause to be made, by inspectors who may be veterinarians on
13 either a full-time or part-time basis, under supervision of the department, an
14 examination and inspection of all ~~animals~~ livestock and poultry before they are
15 slaughtered in any establishment, except as provided in pars. (d) and (em). All
16 ~~animals~~ livestock and poultry found ~~on such inspection~~ to show symptoms of disease
17 shall be condemned or set apart and slaughtered separately from all other ~~animals~~
18 livestock and poultry, and when so slaughtered the carcasses meat or poultry
19 products thereof shall be subject to careful examination, inspection, and disposition,
20 in accordance with rules issued by the department.

21 **SECTION 29.** 97.42 (3) (b) of the statutes is amended to read:

22 97.42 (3) (b) *Examination after slaughter.* For the purpose stated in par. (a),
23 the department shall cause to be made, by inspectors ~~under supervision of the~~
24 ~~department~~, who may be veterinarians on either a full-time or part-time basis,
25 under supervision of the department, an examination and inspection of the carcasses

1 ~~and parts thereof~~ meat or poultry products of all ~~animals~~ livestock and poultry
2 slaughtered at any establishment, except as provided in pars. (d) and (em). ~~The~~
3 ~~carcasses and parts thereof of all animals and~~ Meat or poultry products found to be
4 ~~wholesome and fit for~~ not adulterated and capable of use as human food shall be
5 marked, stamped, tagged, or labeled by inspectors as “Wis. inspected and passed”.
6 Inspectors shall mark, stamp, tag, or label as “Wis. inspected and condemned” all
7 ~~carcasses and parts thereof of animals and~~ meat or poultry products found to be
8 ~~unwholesome or otherwise unfit for human food~~ adulterated or otherwise not
9 capable of use as human food, and all ~~carcasses and parts thereof~~ meat or poultry
10 products so inspected and condemned shall be destroyed, in accordance with rules
11 issued by the department. Inspection marks, stamps, tags, and labels shall be
12 prescribed by the department and shall include thereon the identification number
13 of the establishment assigned by the department.

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

15 97.42 (3) (c) *Reexaminations.* Inspectors shall, when deemed advisable,
16 reinspect ~~carcasses, parts thereof or meat food~~ or poultry products to determine
17 whether ~~the same~~ they have become ~~unwholesome~~ adulterated or ~~in any other way~~
18 ~~unfit for~~ otherwise not capable of use as human food. If any ~~carcasses, parts thereof~~
19 ~~or meat food~~ or poultry products, upon a reexamination, are found to be ~~unwholesome~~
20 adulterated or otherwise ~~unfit for~~ not capable of use as human food, they shall be
21 destroyed, in accordance with rules issued by the department.

22 **SECTION 31.** 97.42 (3) (cm) of the statutes is created to read:

23 97.42 (3) (cm) *Voluntary reimbursable inspection services.* The department
24 shall provide slaughter inspection services for licensed establishments for certain
25 captive game animals and captive game birds, and shall designate by rule the species

1 of captive game animals and captive game birds for which these services may be
2 provided. The establishment requesting these services shall reimburse the
3 department for the actual cost of providing the services at rates established by rule
4 by the department.

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

6 97.42 (3) (d) *Custom service slaughtering.* This subsection ~~shall~~ does not apply
7 to ~~animals~~ livestock and poultry slaughtered as a custom service for the owner of the
8 livestock or poultry exclusively for use by the owner ~~and~~, members of the owner's
9 household, and the owner's nonpaying guests and employees, unless department
10 inspection is specifically requested and performed at establishments where
11 examinations before and after slaughter are otherwise required. The rules of the
12 department shall make provision for the furnishing of ~~sueh~~ this inspection service,
13 subject to availability of inspector personnel, and for the identification of all ~~animals~~
14 livestock and poultry custom slaughtered for the owners thereof without department
15 inspection.

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

17 97.42 (3) (e) *Periodic inspections.* The department shall make periodic
18 inspections of construction, operation, facilities, equipment, labeling, sanitation,
19 and ~~wholesomeness of~~ practices for ensuring meat ~~and or~~ poultry products, ~~and meat~~
20 ~~food products~~ are not adulterated, at establishments or any other premises,
21 including vehicles engaged in transportation of ~~sueh~~ meat or poultry products.
22 Inspection of products and plant operations shall cover ~~sueh~~ operations such as
23 cutting and boning, curing and smoking, grinding and fabrication, manufacturing,
24 packaging, labeling, storage and transportation. Periodic inspections of processing
25 operations shall be conducted as uniformly as possible among establishments

1 subject to overtime inspection under sub. (4) (f) to avoid the imposition of undue
2 inspection fees against any establishment. Inspections at overtime rates shall only
3 be held where necessary to assure wholesomeness and the safety of products for
4 human consumption and compliance with the requirements of this section and rules
5 of the department.

6 **SECTION 34.** 97.42 (3) (em) of the statutes is amended to read:

7 97.42 (3) (em) *Slaughter of farm-raised deer.* The requirements of pars. (a) and
8 (b) do not apply to the slaughter of a farm-raised deer if its meat food products are
9 not sold by a person holding a restaurant permit under s. 254.64 or by an operator
10 of a retail food establishment, as defined under s. 97.30 (1) (c). The operator of an
11 establishment in which farm-raised deer, ~~their carcasses~~ or their meat food products
12 are examined and inspected under this subsection shall pay the department for the
13 cost of the department's examination and inspection.

14 **SECTION 35.** 97.42 (3) (f) of the statutes is amended to read:

15 97.42 (3) (f) *Label requirements.* In addition to label requirements otherwise
16 provided by law, meat food or poultry products shall bear a label, stamp, mark or tag
17 including thereon the official inspection mark and identification number of the
18 establishment where processed. Meat ~~and~~ or poultry products processed and sold at
19 retail to household consumers on the premises shall do not require official inspection
20 marks and identification numbers.

21 **SECTION 36.** 97.42 (4) (a) of the statutes is amended to read:

22 97.42 (4) (a) The inspection before and after slaughter of all ~~animals~~ livestock
23 and poultry killed or dressed for human consumption at any establishment.

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

1 97.42 (4) (b) The inspection and marking of carcasses or parts thereof meat or
2 poultry products intended for human consumption, and prohibiting the
3 unauthorized use of any official inspection mark or simulation or counterfeit thereof.

4 **SECTION 38.** 97.42 (4) (c) of the statutes is repealed.

5 **SECTION 39.** 97.42 (4) (d) of the statutes is amended to read:

6 97.42 (4) (d) The seizure, retention, and destruction ~~for human consumption~~
7 of any animal livestock or poultry, ~~carcasses, parts thereof,~~ or meat food or poultry
8 products which have not been inspected or passed or are unwholesome ~~or~~
9 adulterated or misbranded, for the purpose of preventing human consumption.

10 **SECTION 40.** 97.42 (4) (e) 2. of the statutes is amended to read:

11 97.42 (4) (e) 2. The rate of slaughter for the different classes of ~~animals~~
12 livestock and poultry conform to reasonable ~~minimums~~ minimum levels per hour;

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

14 97.42 (4) (e) 3. Inspection of ~~animals~~ livestock and poultry slaughtered as a
15 custom service be restricted to the time of the regular slaughter schedule fixed for
16 the establishment. When inspection is provided for custom slaughtering and custom
17 processing the inspection shall be conducted in accordance with sub. (3) (a) to (c) and
18 rules prescribed under this subsection; and

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

20 97.42 (4) (f) Overtime agreements with the department whereby the operator
21 of any establishment subject to a license under sub. (2), agrees to pay the cost for
22 salaries, at overtime rates, and other expenses of department inspectors whenever
23 slaughtering, carcass preparation, or the processing of meat or poultry products ~~or~~
24 ~~meat food products~~ is conducted beyond hours or days limited under par. (e), or on
25 Saturdays, Sundays, or holidays for state employees under s. 230.35 (4), or before 6

1 a.m. or after 6 p.m., or in excess of 40 hours in any week. Overtime charges for
2 periodic inspections under sub. (3) (e) shall, insofar as possible, be limited to the
3 minimum number of hours reasonably required for ~~the conduct of such~~ conducting
4 those inspections. The department may assess overtime charges under this
5 paragraph even though the department provides compensatory time in lieu of
6 overtime compensation under s. 103.025.

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

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

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

14 97.42 (4) (h) Conditions of sanitation under which ~~carcasses, parts of carcasses,~~
15 ~~poultry and meat and~~ or poultry products shall be stored, transported, or otherwise
16 handled by any person engaged in the business of buying, selling, freezing, storing,
17 transporting, or processing ~~such~~ meat or poultry products.

18 **SECTION 45.** 97.42 (4) (i) of the statutes is amended to read:

19 97.42 (4) (i) Record-keeping requirements for persons engaged in slaughtering
20 or processing operations, or in the storage or transportation of meat, ~~or~~ or poultry, ~~or~~
21 ~~meat food~~ products, including record-keeping requirements for meat brokers and
22 the registration of meat brokers with the department.

23 **SECTION 46.** 97.42 (4m) of the statutes is amended to read:

24 97.42 (4m) FEDERAL REQUIREMENTS. ~~Except as provided in rules promulgated~~
25 ~~under sub. (4), the~~ The operator of an establishment that is required to be licensed

1 under this section shall comply with ~~9 CFR parts 307 to 311, 313 to 315, 317 to 319,~~
2 ~~416 and 417 and part 381 subparts G, H, I, J, K, L, O and P as they apply to federally~~
3 ~~licensed establishments~~ federal requirements as provided in rules promulgated by
4 the department.

5 **SECTION 47.** 97.42 (5) of the statutes is repealed.

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

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

13 **SECTION 49.** 97.42 (6) (a) 4. of the statutes is repealed.

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

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

20 **SECTION 51.** 97.42 (6) (c) of the statutes is amended to read:

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

24 **SECTION 52.** 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.

7 **SECTION 53.** 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.

16 **SECTION 54.** 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
23 until ~~such equipment~~ that item, room, or facility is replaced with an acceptable
24 ~~equipment~~ item, room, or facility.

25 **SECTION 55.** 97.42 (9) (b) 1. of the statutes is amended to read:

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

12 **SECTION 56.** 97.42 (9) (b) 2. of the statutes is amended to read:

13 97.42 (9) (b) 2. When in the opinion of the department any carcass, meat or
14 poultry product, or supplies or ingredients used in the processing thereof, is
15 ~~unwholesome~~, adulterated or misbranded, or otherwise fail fails to meet standards
16 or requirements of this section or rules adopted under this section, the department
17 may tag ~~them~~ the product, supplies, or ingredients with a “Detained” tag to hold
18 them for destruction or other disposition. No carcass, meat or poultry product, ~~meat~~
19 ~~food product~~, or supplies, or ingredients so tagged may be used, removed from the
20 premises, or otherwise disposed of unless released by a department representative.
21 ~~Such products~~ A tagged item may not be destroyed or detained for more than 30 days
22 without prior notice to the owner or custodian and the right to an immediate hearing.

23 **SECTION 57.** 97.42 (10) of the statutes is amended to read:

24 97.42 (10) SUSPENSION. The department may, upon written notice, summarily
25 suspend the operations in whole or in part at any establishment for substantial

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

11 **SECTION 58.** 97.42 (11) of the statutes is amended to read:

12 97.42 (11) EXEMPTION. This section ~~shall~~ does not apply to owners of poultry
13 with respect to poultry produced on the owner's farm, provided his or her sales do not
14 exceed 1,000 ~~fowl~~ birds annually, and the birds are labeled and tagged to identify the
15 name and address of the producer and are marked "NOT INSPECTED". Persons
16 processing more than 1,000 ~~fowl~~ birds but less than 20,000 ~~fowl~~ birds shall be fully
17 subject to the provisions of this section relating to licensing, sanitation, facilities, and
18 ~~wholesomeness of practices for ensuring product. If is not adulterated, except that,~~
19 if the department determines that the protection of consumers from ~~unwholesome~~
20 adulterated poultry products will not be impaired, it may exempt ~~such~~ these persons
21 from sub. (3) (a) and (b) provided the birds are labeled or tagged to identify the name
22 and address of the producer and are marked "NOT INSPECTED".

23 **SECTION 59.** 97.45 of the statutes is repealed.

24 **SECTION 60. Effective dates.** This act takes effect on the day after publication,
25 except as follows:

1 (1) The treatment of section 97.42 (2) (a) (by SECTION 24) and (4m) of the
2 statutes takes effect on the first day of the 25th month beginning after publication.

3

(END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1736/P4ins
MCP:jld:jd

1

INSERT: ANALYSIS

~~NO~~
~~AF~~, including establishments that prepare ready-to-eat pizzas containing meat or poultry and transport them directly to a public or private nonprofit institution to be served, or that prepare ready-to-eat meat or poultry food items at a central kitchen and transport them to be served as meals to customers at restaurants or vending machines owned by the same company as the central kitchen ~~NO~~
~~AF~~



In 9/24
State of Wisconsin
2015 - 2016 LEGISLATURE

Due today

LRB-1736/P4 → 1
MCP:jld:jd

no changes

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓

Updated request sheet.

Agency
draft

1 **AN ACT 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) (a), 97.42 (2) (b), 97.42 (2) (c), 97.42 (3) (a), 97.42
6 (3) (b), 97.42 (3) (c), 97.42 (3) (d), 97.42 (3) (e), 97.42 (3) (em), 97.42 (3) (f), 97.42
7 (4) (a), 97.42 (4) (b), 97.42 (4) (d), 97.42 (4) (e) 2., 97.42 (4) (e) 3., 97.42 (4) (f),
8 97.42 (4) (g), 97.42 (4) (h), 97.42 (4) (i), 97.42 (4m), 97.42 (6) (a) (intro.), 97.42
9 (6) (b), 97.42 (6) (c), 97.42 (6) (d), 97.42 (7), 97.42 (9) (a), 97.42 (9) (b) 1., 97.42
10 (9) (b) 2., 97.42 (10) and 97.42 (11); and **to create** 97.42 (1) (bg), 97.42 (1) (br),
11 97.42 (1) (cm), 97.42 (1) (em), 97.42 (2) (bg) and 97.42 (3) (cm) of the statutes;

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

Analysis by the Legislative Reference Bureau

Under current law, the Department of Agriculture, Trade and Consumer Protection (DATCP) administers a licensing and inspection program for meat and poultry slaughtering and processing. Current law generally requires, with some exceptions, certain establishments that slaughter animals or poultry, or that process meat products or poultry products, to be licensed and pay an annual license fee; and for inspectors who are supervised by DATCP to inspect animals and poultry before they are slaughtered, and to inspect and label their carcasses after slaughter. This bill makes the following changes to the program.

Terminology

This bill combines the definitions of “carcass,” “meat food products,” “meat products,” and “poultry products” into a single defined term, “meat or poultry products.” The bill replaces the term “animal” with “livestock,” and eliminates the term “unwholesome” in favor of the term “adulterated” as that term is defined in the federal Food, Drug, and Cosmetic Act. The bill also combines the definitions of “mobile processor” and “mobile slaughterer” into a single definition for “mobile processor.”

License fees

Current law requires certain establishments that slaughter livestock or poultry, or that process meat or poultry products, to pay an annual license fee of \$200. Establishments that only slaughter uninspected livestock or poultry or process uninspected meat or poultry products as a custom service pay a reduced annual license fee of \$80.

This bill requires DATCP to set, by rule, the annual license fees for establishments based on the type of inspection required, which are not to exceed \$200, and to establish a reduced annual license fee for establishments that only slaughter livestock or poultry or process meat or poultry products as a custom service.

Exemptions

Current law also creates an exemption to the licensing and fee requirements for establishments that only process meat or poultry products for retail sale directly to customers on the premises, if only inspected meat or poultry products are allowed on the premises, and if sales to restaurants and institutions do not exceed either 25 percent of the establishment’s sales or \$28,800 annually, whichever amount is less.

This bill changes the third requirement to this exemption so that sales to hotels, restaurants, and institutions must not exceed either 25 percent of the establishment’s gross annual value of sales of meat or poultry products or the adjusted dollar limitation that is published by the federal Department of Agriculture, whichever is less.

This bill creates additional exemptions to the licensing and fee requirements for establishments that meet certain federal Department of Agriculture requirements, including establishments that prepare ready-to-eat pizzas containing meat or poultry and transport them directly to a public or private nonprofit institution to be served, or that prepare ready-to-eat meat or poultry food items at a central kitchen and transport them to be served as meals to customers at restaurants or vending machines owned by the same company as the central kitchen. This bill also creates an exemption to the licensing and inspection requirements for establishments that slaughter or process captive game animals and captive game birds, as defined in the bill. The bill also requires DATCP to provide voluntary inspection services upon request to licensed establishments for the slaughter of captive game animal and captive game bird species designated by DATCP by rule as eligible for those services. The bill also requires the establishment requesting the inspection services to reimburse DATCP for the cost of the services, at rates to be established by DATCP by rule.

Inspections

Current law allows DATCP to suspend an inspection at an establishment for acts that substantially impair an inspector's ability to conduct an orderly inspection. This bill adds the requirement that DATCP must provide written notice of suspension of the inspection.

Other

Current law requires the operator of a licensed establishment to comply with specific federal Department of Agriculture regulations. This bill instead requires operators to comply with federal requirements as provided in rules that are promulgated by DATCP.

Finally, current law allows DATCP to enter into agreements with counties and municipalities for inspection and enforcement services. Current law also allows livestock and poultry, and meat or poultry products, to be inspected and approved under state law, the federal Meat Inspection Act, the federal Poultry Products Inspection Act, or county or municipal ordinances or regulations that have been approved by DATCP. This bill eliminates the provisions relating to county and municipal ordinances and inspections.

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.** 97.42 (title) of the statutes is amended to read:

2 **97.42 (title) Compulsory inspection of animals, livestock or poultry,**
3 **and meat or poultry and carcasses products.**

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

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

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

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

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

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

13 97.42 (1) (br) “Captive game bird” means a bird of a normally wild type that
14 is produced in captivity for slaughter and consumption, including a pheasant, quail,
15 wild turkey, migratory wildfowl, or other bird that the department designates as a
16 captive game bird by rule. “Captive game bird” does not include poultry, ratites, or
17 birds kept solely for hunting purposes at a hunting preserve.

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

19 **SECTION 7.** 97.42 (1) (cm) of the statutes is created to read:

20 97.42 (1) (cm) “Denature” means to intentionally make an item unfit for human
21 consumption by adding a substance to it to alter the item’s appearance or other
22 natural characteristics.

23 **SECTION 8.** 97.42 (1) (d) (intro.) of the statutes is amended to read:

24 97.42 (1) (d) (intro.) “Establishment” means a plant or premises, including
25 retail premises, where ~~animals~~ livestock or poultry are slaughtered for human

1 consumption, or ~~a plant or premises, including retail premises,~~ where meat or
2 poultry products ~~or meat food products~~ are processed, but ~~shall~~ does not include any
3 of the following:

4 **SECTION 9.** 97.42 (1) (d) 2. of the statutes is repealed.

5 **SECTION 10.** 97.42 (1) (d) 3. of the statutes is amended to read:

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

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

12 97.42 (1) (e) “Inspector” means any person employed ~~by the department or any~~
13 ~~cooperating agency who is~~ or authorized by the department to do any work or perform
14 any duty in connection with the department’s meat and poultry inspection program.

15 **SECTION 12.** 97.42 (1) (em) of the statutes is created to read:

16 97.42 (1) (em) “Livestock” means cattle, sheep, swine, goats, farm-raised deer,
17 alpacas, llamas, bison, ratites, rabbits, and other species that the department
18 designates as livestock by rule.

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

20 97.42 (1) (f) “Meat broker” means any person engaged in the business of buying
21 or selling meat and or poultry products, ~~or meat and poultry food products~~ on
22 commission, or otherwise negotiating purchases or sales of ~~such articles~~ meat or
23 poultry products other than for the person’s own account or as an employee of another
24 person.

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

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

3 **SECTION 15.** 97.42 (1) (g) of the statutes is repealed.

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

5 97.42 (1) (h) “Meat ~~products~~” and “~~or~~ poultry products” means ~~the carcasses or~~
6 any parts, including the viscera, of carcasses of animals and slaughtered livestock
7 or poultry that are capable of use as human food.

8 **SECTION 17.** 97.42 (1) (i) of the statutes is amended to read:

9 97.42 (1) (i) “Mobile processor” means a person, other than the owner of the
10 livestock or poultry being slaughtered or the meat or poultry products being
11 processed, who provides a meat processing service to slaughters livestock or poultry
12 or processes meat or poultry products for the general public for compensation other
13 than the trading of services on an exchange basis, and conducts the meat
14 slaughtering or processing at the premises of the owner of the carcasses livestock or
15 poultry being slaughtered or the meat or poultry products being processed.

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

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

18 97.42 (1) (k) “Official inspection mark” means the symbol formulated under the
19 rules of the department to ~~state~~ indicate that the meat, ~~or~~ poultry ~~or~~ product was
20 inspected pursuant to ~~such~~ the department’s rules.

21 **SECTION 20.** 97.42 (1) (L) of the statutes is amended to read:

22 97.42 (1) (L) “Poultry” means any domesticated fowl birds, including ~~but not~~
23 ~~limited to~~ chickens, turkeys, geese, ducks, or guineas, but ~~shall~~ does not include
24 ~~commercially produced~~ captive game birds or ratites.

25 **SECTION 21.** 97.42 (1) (m) of the statutes is repealed.

1 **SECTION 22.** 97.42 (1) (o) of the statutes is repealed.

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

3 97.42 (2) (a) ~~No~~ Subject to pars. (b) and (bg), no person may operate an
4 establishment as ~~defined in sub. (1) (d)~~ without a valid license issued by the
5 department ~~for each such establishment~~. That license expires on June 30 annually,
6 except that a license issued for a new establishment on or after March 30 but before
7 July 1 expires on June 30 of the following year. No license may be issued unless the
8 applicant has complied with the requirements of this section. The annual license fee
9 is \$200, except the annual license fee shall be \$80 for those establishments engaged
10 only in slaughtering uninspected animals livestock or poultry or processing
11 uninspected meat or poultry products as a custom service, ~~and but not in for~~ other
12 operations ~~subject to~~ for which a license under this section is required. No person
13 may be required to obtain a license under s. 97.29 or 97.30 for activities licensed
14 under this section or ~~which is~~ for establishments inspected under 21 USC 451 to 472
15 and 601 to 695.

16 **SECTION 24.** 97.42 (2) (a) of the statutes, as affected by 2015 Wisconsin Act
17 (this act), is amended to read:

18 97.42 (2) (a) Subject to pars. (b) and (bg), no person may operate an
19 establishment without a valid license issued by the department. That license expires
20 on June 30 annually, except that a license issued for a new establishment on or after
21 March 30 but before July 1 expires on June 30 of the following year. No license may
22 be issued unless the applicant has complied with the requirements of this section.
23 The department shall establish by rule the annual license fee is fees for
24 establishments, not to exceed \$200, except the based on the type of mandatory
25 inspection required to be performed at the establishment. The department shall

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

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

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

19 **SECTION 26.** 97.42 (2) (bg) of the statutes is created to read:

20 97.42 (2) (bg) Paragraph (a) does not apply to any person operating an
21 establishment that meets the requirements under 9 CFR 303.1 (d) (2) (iv) (c) or (e)
22 (1), or 381.10 (d) (2) (iv) (c) or (e) (1).

23 **SECTION 27.** 97.42 (2) (c) of the statutes is amended to read:

24 97.42 (2) (c) No person may operate as ~~a mobile slaughterer or as a mobile~~
25 processor without an annual registration certificate issued by the department,

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

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

10 97.42 (3) (a) *Examination before slaughter.* For the purpose of preventing the
11 sale and use in this state of meat ~~products and~~ or poultry products ~~which that~~ are
12 ~~unwholesome~~ adulterated or otherwise ~~unfit for~~ not capable of use as human food,
13 the department shall cause to be made, by inspectors who may be veterinarians on
14 either a full-time or part-time basis, under supervision of the department, an
15 examination and inspection of all animals livestock and poultry before they are
16 slaughtered in any establishment, except as provided in pars. (d) and (em). All
17 animals livestock and poultry found ~~on such inspection~~ to show symptoms of disease
18 shall be condemned or set apart and slaughtered separately from all other animals
19 livestock and poultry, and when so slaughtered the ~~carcasses~~ meat or poultry
20 products thereof shall be subject to careful examination, inspection, and disposition,
21 in accordance with rules issued by the department.

22 SECTION 29. 97.42 (3) (b) of the statutes is amended to read:

23 97.42 (3) (b) *Examination after slaughter.* For the purpose stated in par. (a),
24 the department shall cause to be made, by inspectors ~~under supervision of the~~
25 ~~department~~, who may be veterinarians on either a full-time or part-time basis,

1 ~~under supervision of the department,~~ an examination and inspection of the carcasses
2 ~~and parts thereof~~ meat or poultry products of all animals livestock and poultry
3 slaughtered at any establishment, except as provided in pars. (d) and (em). The
4 ~~carcasses and parts thereof of all animals and~~ Meat or poultry products found to be
5 ~~wholesome and fit for~~ not adulterated and capable of use as human food shall be
6 marked, stamped, tagged, or labeled by inspectors as “Wis. inspected and passed”.
7 Inspectors shall mark, stamp, tag, or label as “Wis. inspected and condemned” all
8 ~~carcasses and parts thereof of animals and~~ meat or poultry products found to be
9 ~~unwholesome or otherwise unfit for human food~~ adulterated or otherwise not
10 capable of use as human food, and all ~~carcasses and parts thereof~~ meat or poultry
11 products so inspected and condemned shall be destroyed, in accordance with rules
12 issued by the department. Inspection marks, stamps, tags, and labels shall be
13 prescribed by the department and shall include thereon the identification number
14 of the establishment assigned by the department.

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

16 97.42 (3) (c) *Reexaminations.* Inspectors shall, when deemed advisable,
17 reinspect ~~carcasses, parts thereof or meat food~~ or poultry products to determine
18 whether the same ~~they~~ have become unwholesome adulterated or in any other way
19 ~~unfit for otherwise not capable of use as~~ human food. If any ~~carcasses, parts thereof~~
20 ~~or meat food~~ or poultry products, upon a reexamination, are found to be unwholesome
21 adulterated or otherwise ~~unfit for~~ not capable of use as human food, they shall be
22 destroyed, in accordance with rules issued by the department.

23 **SECTION 31.** 97.42 (3) (cm) of the statutes is created to read:

24 97.42 (3) (cm) *Voluntary reimbursable inspection services.* The department
25 shall provide slaughter inspection services for licensed establishments for certain

1 captive game animals and captive game birds, and shall designate by rule the species
2 of captive game animals and captive game birds for which these services may be
3 provided. The establishment requesting these services shall reimburse the
4 department for the actual cost of providing the services at rates established by rule
5 by the department.

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

7 97.42 (3) (d) *Custom service slaughtering.* This subsection ~~shall~~ does not apply
8 to ~~animals~~ livestock and poultry slaughtered as a custom service for the owner of the
9 livestock or poultry exclusively for use by the owner ~~and~~, members of the owner's
10 household, and the owner's nonpaying guests and employees, unless department
11 inspection is specifically requested and performed at establishments where
12 examinations before and after slaughter are otherwise required. The rules of the
13 department shall make provision for the furnishing of ~~such~~ this inspection service,
14 subject to availability of inspector personnel, and for the identification of all ~~animals~~
15 livestock and poultry custom slaughtered for the owners thereof without department
16 inspection.

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

18 97.42 (3) (e) *Periodic inspections.* The department shall make periodic
19 inspections of construction, operation, facilities, equipment, labeling, sanitation,
20 ~~and wholesomeness of practices for ensuring meat and or poultry products, and meat~~
21 ~~food products~~ are not adulterated, at establishments or any other premises,
22 including vehicles engaged in transportation of ~~such~~ meat or poultry products.
23 Inspection of products and plant operations shall cover ~~such~~ operations such as
24 cutting and boning, curing and smoking, grinding and fabrication, manufacturing,
25 packaging, labeling, storage and transportation. Periodic inspections of processing

1 operations shall be conducted as uniformly as possible among establishments
2 subject to overtime inspection under sub. (4) (f) to avoid the imposition of undue
3 inspection fees against any establishment. Inspections at overtime rates shall only
4 be held where necessary to assure wholesomeness and the safety of products for
5 human consumption and compliance with the requirements of this section and rules
6 of the department.

7 **SECTION 34.** 97.42 (3) (em) of the statutes is amended to read:

8 97.42 (3) (em) *Slaughter of farm-raised deer.* The requirements of pars. (a) and
9 (b) do not apply to the slaughter of a farm-raised deer if its meat food products are
10 not sold by a person holding a restaurant permit under s. 254.64 or by an operator
11 of a retail food establishment, as defined under s. 97.30 (1) (c). The operator of an
12 establishment in which farm-raised deer, ~~their carcasses~~ or their meat food products
13 are examined and inspected under this subsection shall pay the department for the
14 cost of the department's examination and inspection.

15 **SECTION 35.** 97.42 (3) (f) of the statutes is amended to read:

16 97.42 (3) (f) *Label requirements.* In addition to label requirements otherwise
17 provided by law, meat food or poultry products shall bear a label, stamp, mark or tag
18 including thereon the official inspection mark and identification number of the
19 establishment where processed. Meat ~~and~~ or poultry products processed and sold at
20 retail to household consumers on the premises shall do not require official inspection
21 marks and identification numbers.

22 **SECTION 36.** 97.42 (4) (a) of the statutes is amended to read:

23 97.42 (4) (a) The inspection before and after slaughter of all animals livestock
24 and poultry killed or dressed for human consumption at any establishment.

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

1 97.42 (4) (b) The inspection and marking of carcasses or parts thereof meat or
2 poultry products intended for human consumption, and prohibiting the
3 unauthorized use of any official inspection mark or simulation or counterfeit thereof.

4 **SECTION 38.** 97.42 (4) (c) of the statutes is repealed.

5 **SECTION 39.** 97.42 (4) (d) of the statutes is amended to read:

6 97.42 (4) (d) The seizure, retention, and destruction for human consumption
7 of any animal livestock or poultry, ~~carcasses, parts thereof,~~ or meat food or poultry
8 products which have not been inspected or passed or are unwholesome or
9 adulterated or misbranded, for the purpose of preventing human consumption.

10 **SECTION 40.** 97.42 (4) (e) 2. of the statutes is amended to read:

11 97.42 (4) (e) 2. The rate of slaughter for the different classes of animals
12 livestock and poultry conform to reasonable ~~minimums~~ minimum levels per hour;

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

14 97.42 (4) (e) 3. Inspection of animals livestock and poultry slaughtered as a
15 custom service be restricted to the time of the regular slaughter schedule fixed for
16 the establishment. When inspection is provided for custom slaughtering and custom
17 processing the inspection shall be conducted in accordance with sub. (3) (a) to (c) and
18 rules prescribed under this subsection; and

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

20 97.42 (4) (f) Overtime agreements with the department whereby the operator
21 of any establishment subject to a license under sub. (2), agrees to pay the cost for
22 salaries, at overtime rates, and other expenses of department inspectors whenever
23 slaughtering, carcass preparation, or the processing of meat or poultry products or
24 ~~meat food products~~ is conducted beyond hours or days limited under par. (e), or on
25 Saturdays, Sundays, or holidays for state employees under s. 230.35 (4), or before 6

1 a.m. or after 6 p.m., or in excess of 40 hours in any week. Overtime charges for
2 periodic inspections under sub. (3) (e) shall, insofar as possible, be limited to the
3 minimum number of hours reasonably required for ~~the conduct of such~~ conducting
4 those inspections. The department may assess overtime charges under this
5 paragraph even though the department provides compensatory time in lieu of
6 overtime compensation under s. 103.025.

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

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

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

14 97.42 (4) (h) Conditions of sanitation under which ~~carcasses, parts of carcasses,~~
15 ~~poultry and meat and or~~ poultry products shall be stored, transported, or otherwise
16 handled by any person engaged in the business of buying, selling, freezing, storing,
17 transporting, or processing ~~such~~ meat or poultry products.

18 **SECTION 45.** 97.42 (4) (i) of the statutes is amended to read:

19 97.42 (4) (i) Record-keeping requirements for persons engaged in slaughtering
20 or processing operations, or in the storage or transportation of meat, or poultry, ~~or~~
21 ~~meat food~~ products, including record-keeping requirements for meat brokers and
22 the registration of meat brokers with the department.

23 **SECTION 46.** 97.42 (4m) of the statutes is amended to read:

24 97.42 (4m) FEDERAL REQUIREMENTS. ~~Except as provided in rules promulgated~~
25 ~~under sub. (4), the~~ The operator of an establishment that is required to be licensed

1 under this section shall comply with ~~9 CFR parts 307 to 311, 313 to 315, 317 to 319,~~
2 ~~416 and 417 and part 381 subparts G, H, I, J, K, L, O and P as they apply to federally~~
3 ~~licensed establishments~~ federal requirements as provided in rules promulgated by
4 the department.

5 **SECTION 47.** 97.42 (5) of the statutes is repealed.

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

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

13 **SECTION 49.** 97.42 (6) (a) 4. of the statutes is repealed.

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

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

20 **SECTION 51.** 97.42 (6) (c) of the statutes is amended to read:

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

24 **SECTION 52.** 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.

7 **SECTION 53.** 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.

16 **SECTION 54.** 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
23 until ~~such equipment~~ that item, room, or facility is replaced with an acceptable
24 ~~equipment~~ item, room, or facility.

25 **SECTION 55.** 97.42 (9) (b) 1. of the statutes is amended to read:

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

12 **SECTION 56.** 97.42 (9) (b) 2. of the statutes is amended to read:

13 97.42 (9) (b) 2. When in the opinion of the department any ~~carcass~~, meat or
14 poultry product, or supplies or ingredients used in the processing thereof, is
15 ~~unwholesome~~, adulterated or misbranded, or otherwise ~~fail~~ fails to meet standards
16 or requirements of this section or rules adopted under this section, the department
17 may tag ~~them~~ the product, supplies, or ingredients with a “Detained” tag to hold
18 them for destruction or other disposition. No ~~carcass~~, meat or poultry product, ~~meat~~
19 ~~food product~~, or supplies, or ingredients so tagged may be used, removed from the
20 premises, or otherwise disposed of unless released by a department representative.
21 ~~Such products~~ A tagged item may not be destroyed or detained for more than 30 days
22 without prior notice to the owner or custodian and the right to an immediate hearing.

23 **SECTION 57.** 97.42 (10) of the statutes is amended to read:

24 97.42 (10) SUSPENSION. The department may, upon written notice, summarily
25 suspend the operations in whole or in part at any establishment for substantial

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

11 **SECTION 58.** 97.42 (11) of the statutes is amended to read:

12 97.42 (11) EXEMPTION. This section ~~shall~~ does not apply to owners of poultry
13 with respect to poultry produced on the owner's farm, provided his or her sales do not
14 exceed 1,000 ~~fewl~~ birds annually, and the birds are labeled and tagged to identify the
15 name and address of the producer and are marked "NOT INSPECTED". Persons
16 processing more than 1,000 ~~fewl~~ birds but less than 20,000 ~~fewl~~ birds shall be fully
17 subject to the provisions of this section relating to licensing, sanitation, facilities, and
18 wholesomeness of practices for ensuring product. ~~If is not adulterated, except that,~~
19 if the department determines that the protection of consumers from ~~unwholesome~~
20 adulterated poultry products will not be impaired, it may exempt ~~such~~ these persons
21 from sub. (3) (a) and (b) provided the birds are labeled or tagged to identify the name
22 and address of the producer and are marked "NOT INSPECTED".

23 **SECTION 59.** 97.45 of the statutes is repealed.

24 **SECTION 60. Effective dates.** This act takes effect on the day after publication,
25 except as follows:

Basford, Sarah

From: Daniels, Cheryl F - DATCP <Cheryl.Daniels@wisconsin.gov>
Sent: Friday, September 25, 2015 2:46 PM
To: LRB.Legal
Subject: Draft Review: LRB -1736/1

Please Jacket LRB -1736/1 for the SENATE.