2015 SENATE BILL 513

January 6, 2016 – Introduced by Senators MOULTON and RINGHAND, cosponsored by Representatives NERISON, BALLWEG, E. BROOKS, T. LARSON, MURTHA, A. OTT and TAUCHEN. Referred to Committee on Agriculture, Small Business, and Tourism.

AN ACT to repeal 97.42 (1) (a), 97.42 (1) (c), 97.42 (1) (d) 2., 97.42 (1) (g), 97.42 (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; to amend 97.42 (title), 97.42 (1) (b), 97.42 (1) (d) (intro.), 97.42 (1) (d) 3., 97.42 (1) (e), 97.42 (1) (f), 97.42 (1) (fm), 97.42 (1) (h), 97.42 (1) (i), 97.42 (1) (k), 97.42 (1) (L), 97.42 (2) (a), 97.42 (2) (a), 97.42 (2) (b), 97.42 (2) (c), 97.42 (3) (a), 97.42 (3) (b), 97.42 (3) (c), 97.42 (3) (d), 97.42 (3) (e), 97.42 (3) (em), 97.42 (3) (f), 97.42 (4) (a), 97.42 (4) (b), 97.42 (4) (d), 97.42 (4) (e) 2., 97.42 (4) (e) 3., 97.42 (4) (f), 97.42 (4) (g), 97.42 (4) (i), 97.42 (4) (i), 97.42 (4 (i) 4m), 97.42 (6) (a) (intro.), 97.42 (6) (b), 97.42 (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) and 97.42 (11); and to create 97.42 (1) (bg), 97.42 (1) (br), 97.42 (1) (cm), 97.42 (1) (cm), 97.42 (1) (cm) of the statutes.
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relating to: regulation of establishments where animals are slaughtered or
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.

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*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:

   97.42 (title) **Compulsory inspection of animals, livestock or poultry, and meat or poultry and carcases products.**
SECTION 2. 97.42 (1) (a) of the statutes is repealed.

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

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

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

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

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 other bird that the department designates as a captive game bird by rule. “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.

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

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

SECTION 8. 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 not include any of the following:

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

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

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

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

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

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

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

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

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

**SECTION 14.** 97.42 (1) (fm) of the statutes is amended to read:
97.42 (1) (fm) “Meat distributor” means a person who is engaged in the business of distributing in this state meat and or poultry products at wholesale.

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

SECTION 16. 97.42 (1) (h) of the statutes is amended to read:
97.42 (1) (h) “Meat products” and “or poultry products” means the carcasses or any parts, including the viscera, of carcasses of animals and slaughtered livestock or poultry that are capable of use as human food.

SECTION 17. 97.42 (1) (i) of the statutes is amended to read:
97.42 (1) (i) “Mobile processor” means a person, other than the owner of the livestock or poultry being slaughtered or the meat or poultry products being processed, who provides a meat processing service to slaughters livestock or poultry or processes meat or poultry products for the general public for compensation other than the trading of services on an exchange basis, and conducts the meat slaughtering or processing at the premises of the owner of the carcasses livestock or poultry being slaughtered or the meat or poultry products being processed.

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

SECTION 19. 97.42 (1) (k) of the statutes is amended to read:
97.42 (1) (k) “Official inspection mark” means the symbol formulated under the rules of the department to state indicate that the meat, or poultry or product was inspected pursuant to such the department’s rules.

SECTION 20. 97.42 (1) (L) of the statutes is amended to read:
97.42 (1) (L) “Poultry” means any domesticated fowl birds, including but not limited to chickens, turkeys, geese, ducks, or guineas, but shall does not include commercially produced captive game birds or ratites.

SECTION 21. 97.42 (1) (m) of the statutes is repealed.
SECTION 22. 97.42 (1) (o) of the statutes is repealed.

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

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

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

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

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

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

**SECTION 26.** 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
establishment that meets the requirements under 9 CFR 303.1 (d) (2) (iv) (c) or (e)
(1), or 381.10 (d) (2) (iv) (c) or (e) (1).

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

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

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

97.42 (3) (a) *Examination before slaughter.* For the purpose of preventing the sale and use in this state of meat products and or poultry products which are unwholesome, adulterated or otherwise unfit for human food, the department shall cause to be made, by inspectors who may be veterinarians on either a full-time or part-time basis, under supervision of the department, an examination and inspection of all animals and poultry before they are slaughtered in any establishment, except as provided in pars. (d) and (em). All animals and poultry found on such inspection to show symptoms of disease shall be condemned or set apart and slaughtered separately from all other animals and poultry, and when so slaughtered the carcasses of meat or poultry products thereof shall be subject to careful examination, inspection, and disposition, in accordance with rules issued by the department.

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

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

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

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

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

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

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

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

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

97.42 (3) (e) Periodic inspections. The department shall make periodic
inspections of construction, operation, facilities, equipment, labeling, sanitation,
and wholesomeness of practices for ensuring meat and or poultry products, and meat
food products are not adulterated, at establishments or any other premises,
including vehicles engaged in transportation of such meat or poultry products.
Inspection of products and plant operations shall cover such operations such as
cutting and boning, curing and smoking, grinding and fabrication, manufacturing,
packaging, labeling, storage and transportation. Periodic inspections of processing
operations shall be conducted as uniformly as possible among establishments subject to overtime inspection under sub. (4) (f) to avoid the imposition of undue inspection fees against any establishment. Inspections at overtime rates shall only be held where necessary to assure wholesomeness and the safety of products for human consumption and compliance with the requirements of this section and rules of the department.

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

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

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

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 36.** 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 37.** 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 38. 97.42 (4) (c) of the statutes is repealed.

SECTION 39. 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 40. 97.42 (4) (e) 2. of the statutes is amended to read:

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

SECTION 41. 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 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 42. 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
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 those inspections. The department may assess overtime charges under this paragraph even though the department provides compensatory time in lieu of overtime compensation under s. 103.025.

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

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

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

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

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

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

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

97.42 (4m) Federal requirements. Except as provided in rules promulgated 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, 416 and 417 and part 381 subparts G, H, I, J, K, L, O and P as they apply to federally licensed establishments federal requirements as provided in rules promulgated by the department.

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

SECTION 48. 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 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 49. 97.42 (6) (a) 4. of the statutes is repealed.

SECTION 50. 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 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 department.

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

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

SECTION 52. 97.42 (6) (d) of the statutes is amended to read:
97.42 (6) (d) No county or municipality shall may prohibit the sale of any meat products or poultry products if such the meat products or poultry products are inspected and passed by the department, or by the U.S. federal department of agriculture, or by a county or municipal inspection service approved by the department, provided such the meat products and or poultry products are wholesome and not adulterated or misbranded at the time of sale.

SECTION 53. 97.42 (7) of the statutes is amended to read:

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

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

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 meat or poultry product, the department may attach a “Rejected” tag to 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 item, room, or facility is replaced with an acceptable equipment item, room, or facility.

SECTION 55. 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
used, removed from the premises, or otherwise disposed of unless released by a
department representative. Such products A tagged item may not be retained for
more than 30 days without prior notice to the owner or custodian and the right to an
immediate hearing.

Section 56. 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 fail fails 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 “Detained” tag to hold
them for destruction or other disposition. No carcass, meat or poultry product, meat
food product, or supplies, or ingredients so tagged may be used, removed from the
premises, or otherwise disposed of unless released by a department representative.
Such products A tagged item may not be destroyed or detained for more than 30 days
without prior notice to the owner or custodian and the right to an immediate hearing.

Section 57. 97.42 (10) of the statutes is amended to read:

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

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

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

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

**SECTION 60. Effective dates.** This act takes effect on the day after publication, except as follows:
(1) The treatment of section 97.42 (2) (a) (by Section 24) and (4m) of the statutes takes effect on the first day of the 25th month beginning after publication.

(END)