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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2019 Senate Bill 463**

**Senate Amendment 1**

### 2019 SENATE BILL 463

2019 Senate Bill 463 prohibits a person from labeling a food product as, or selling or offering to sell a food product that is labeled as, any dairy product within a specified subset of dairy products (e.g., milk, cheese, yogurt, or whey) unless that product is a dairy product. Wisconsin law defines a dairy product as any of the following:

- Milk or any product or by-product derived solely from milk.
- Hooved or camelid mammals' milk or any product or by-product derived solely from hooved or camelid mammals' milk.
- An item that meets a definition or standard of identity under federal law in [21 C.F.R. s. 131, 133, 135.3 to 135.140](#), or [184.1979](#) or under [21 U.S.C. s. 321a](#) or [321c](#).
- An item that fails to meet a definition or standard of identity for a dairy product under federal law solely because it contains hooved or camelid mammals' milk or milk from goats or sheep instead of or in addition to milk from cows.
- A product that is ready to eat, sell, distribute, or market that is made solely of two or more of the items listed above.

Similarly, the bill prohibits a person from labeling a food product as, or selling or offering to sell a food product that is labeled as, a dairy ingredient unless that food product is derived from a type of milk as defined in state and federal law.

The bill also requires the Department of Agriculture, Trade and Consumer Protection to promulgate rules to implement the prohibitions described above.

### Senate Amendment 1

Senate Amendment 1 modifies the applicability of the bill's prohibitions on the labeling, sale, or offering for sale of various food products. Under the amendment, the bill's provisions regarding dairy products are not applicable until at least six months after 10 of a specified group of 15 states enact a substantially similar prohibition. The 15 states specified in the amendment include Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, North Dakota, North Carolina, Ohio, South Dakota, Tennessee, Virginia, and West Virginia. If 10 states from the amendment's list do not enact a substantially similar prohibition by June 30, 2031, the bill's provisions regarding dairy products shall not apply.

The amendment similarly provides that the bill's provisions regarding dairy ingredients shall not apply until at least six months after 10 of the 15 specified states enact a substantially similar prohibition. If 10 states do not enact such a prohibition by June 30, 2031, the bill's provisions regarding dairy ingredients shall not apply.

## **BILL HISTORY**

Senator Marklein offered Senate Amendment 1 on October 22, 2019. On December 18, 2019, the Senate Committee on Agriculture, Revenue and Financial Institutions recommended adoption of the amendment by a vote of Ayes, 7; Noes, 2. The bill was then recommended for passage, as amended, by a vote of Ayes, 7; Noes, 2.

BK:mca