The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

AN ACT to create 97.26 of the statutes; relating to: labeling food as a type of dairy product or as a dairy ingredient and granting rule-making authority.
SECTION 1. 97.26 of the statutes is created to read:

97.26 Labeling food as a type of dairy product.  (1) Dairy Products. Beginning 6 months after publication of the notice under sub. (4) (a), no person may label a food product as, or sell or offer for sale a food product that is labeled as, a type of dairy product described in s. 97.20 (1) (b) 3. to 5. or a similar term unless the food product is a dairy product, as defined in s. 97.20 (1) (b).

(2) Dairy Ingredients. Beginning 6 months after publication of the notice under sub. (4) (b), no person may label a food product as, or sell or offer for sale a food product that is labeled as, a type of dairy ingredient unless the food product is derived from at least one of the following:

(a) Milk, lowfat milk, skim milk, or nonfat dry milk.

(b) A product described in 21 CFR 131.110 to 131.147.

(c) Hooved or camelid mammals' milk, as defined in s. 97.20 (1) (fm).

(3) Rules. (a) The department shall promulgate rules to implement sub. (1).

(b) The department shall promulgate rules to implement sub. (2).

(4) Enactment by Other States. (a) As soon as possible after at least 10 states out of the group of states composed of Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, North Dakota, North Carolina, Ohio, South Dakota, Tennessee, Virginia, and West Virginia enact a prohibition that is substantially similar to sub. (1), the department shall submit to the legislative reference bureau for publication in the Wisconsin Administrative Register a notice specifying the date that at least 10 of the states listed in this paragraph have enacted a prohibition substantially similar to sub. (1). This paragraph does not apply after June 30, 2031.

(b) As soon as possible after at least 10 states out of the group of states composed of Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota,
Missouri, North Dakota, North Carolina, Ohio, South Dakota, Tennessee, Virginia, and West Virginia enact a prohibition that is substantially similar to sub. (2), the department shall submit to the legislative reference bureau for publication in the Wisconsin Administrative Register a notice specifying the date that at least 10 of the states listed in this paragraph have enacted a prohibition substantially similar to sub. (2). This paragraph does not apply after June 30, 2031.

(5) APPLICABILITY. (a) Subsections (1) and (3) (a) do not apply if a notice under sub. (4) (a) has not been published.

(b) Subsections (2) and (3) (b) do not apply if a notice under sub. (4) (b) has not been published.