

No. 715, A.]

[Published July 25, 1949.]

CHAPTER 517.

AN ACT to amend 20.60 (29) and to create 97.045 of the statutes, relating to the pasteurization of milk and the licensing of dealers in milk and milk products, providing a penalty and making an appropriation.

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

SECTION 1. 20.60 (29) of the statutes is amended to read:

20.60 (29) All moneys collected under sections 97.04, 97.045, 97.05 and 100.05 as a non'apsible appropriation for the execution and administration of said sections and section 100.06.

SECTION 2. 97.045 of the statutes is created to read:

97.045 MILK PASTEURIZATION; LICENSING OF MILK DEALERS. (1) The purpose of this section is to insure the wholesomeness and safety of milk, cream and other milk products in fluid form for human consumption by requiring a license and pasteurization as provided in this section.

(2) As used in this section, unless the context otherwise requires, "consumers' milk" includes any milk, cream, flavored milk, homogenized milk, vitamin fortified milk, skim milk, buttermilk, cultured buttermilk or other milk products sold for use or consumption in fluid form.

(3) (a) No person shall sell consumers' milk in this state after July 1, 1949 without obtaining a license as required by section 97.04. A license shall be required for each conveyance, depot or store selling milk, except that a license shall not be required under this section for any such conveyance, depot or store receiving milk entirely from a Wisconsin licensed dairy plant or dealer.

(b) Licenses for the sale of milk shall be issued to the owner of the conveyance, depot or store upon payment of a fee of \$5 for each such conveyance, depot or store. Such license shall be prima facie evidence of such ownership and shall not be transferred or assigned.

(4) No person shall sell or deliver consumers' milk in this state after January 1, 1950, unless such milk is pasteurized or the fluid milk product is made from pasteurized milk, except that this subsection shall not apply to:

(a) Certified milk and fluid milk products made therefrom.

(b) Milk and fluid milk products made therefrom, produced entirely from an accredited herd.

(5) The department after public hearing by order may postpone the effective date of subsection (4) for a period of not more than one year, if it is found that the industry generally is not able to procure the equipment necessary to pasteurize milk on a commercial basis.

(6) This section shall not apply to the business of any producer who sells milk only to patrons who come to the place where the milk is produced and there purchase and receive milk for their own consumption, provided that such herd has been tested and found free from tuberculosis and Brucellosis.

(7) Any person, firm, association or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and punished by a fine of not less than \$25 nor more than \$100 or by imprisonment in the county jail for a period of not more than 90 days, or by both such fine and imprisonment.

Approved July 18, 1949.
