

CHAPTER 489.

AN ACT to repeal 97.045 (5) and (7); to renumber and amend 97.045 (6); to amend 97.04 (3) (e); to repeal and recreate 97.045 (3); and to create 97.04 (1) (i) of the statutes, relating to licensing of consumer's milk plants.

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

SECTION 1. 97.04 (1) (i) of the statutes is created to read:

97.04 (1) (i) "Consumers' milk plant" means any dairy plant where consumers' milk is processed and placed in containers for sale to the public.

SECTION 2. 97.04 (3) (e) of the statutes is amended to read:

97.04 (3) (e) For a butter factory, cheese factory, receiving station, *consumers' milk plant*, or any other dairy plant not above mentioned in this subsection, an amount based upon its butterfat intake during the year ended on the last day of the month next preceding the date of application, as follows: If the butterfat intake for such period is 250,000 pounds or less, \$5; for each additional 250,000 pounds or major fraction thereof of butterfat intake for such period, \$5.

SECTION 3. 97.045 (3) of the statutes is repealed and recreated to read:

97.045 (3) (a) No person other than the operator of a consumers' milk plant licensed under section 97.04 shall sell or distribute consumers' milk in this state unless he holds a permit for each vehicle used for that purpose as provided for in (b) hereof.

(b) Consumers' milk distributors without processing facilities in this state subject to license may obtain a permit for each vehicle used in the distribution of such milk upon payment of a fee of \$5. Such permit shall be prima facie evidence of ownership. The permit shall not be assigned or transferred.

(c) No license or permit shall be required of person selling or distributing consumers' milk which has been packed by, procured from, and sold under the label of a licensee or permit holder as herein provided. Such milk dispensed from containers in restaurants for consumption on the premises shall be deemed to be labelled if the dispenser bears the name and address of the licensee or permit holder.

SECTION 4. 97.045 (5) of the statutes is repealed.

SECTION 5. 97.045 (6) of the statutes is renumbered 97.045 (5) and amended to read:

97.045 (5) 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 *annually* and found free from tuberculosis and Brucellosis.

SECTION 6. 97.045 (7) of the statutes is repealed.

Approved June 27, 1951.
