

**CHAPTER 198, Laws of 1977**  
(Veto Overruled)

AN ACT to amend 97.28 (2) of the statutes, relating to exempting beekeepers from food processing regulation.

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

SECTION 1. 97.28 (2) of the statutes is amended to read:

97.28 (2) ~~The term "food~~ "Food processing plant" means any place where food is manufactured or prepared for sale through the process of canning, extracting, fermenting, distilling, pickling, freezing, drying, smoking, grinding, mixing, stuffing, packing, bottling, cutting and packaging, or otherwise treating or preserving the same for sale as and for food; ~~but no.~~ A license under this section shall not be required of any person licensed by the department as a bakery, confectionary, soda water bottler, meat or poultry processor, dairy plant or counter freezer as to business covered by such the licenses, nor shall such a license be required of retail merchants having a fixed or established place of business in this state if such the merchant does not also sell at wholesale any food processed by the merchant or engage in the grinding, mixing, stuffing, smoking or cooking of meat, fish, or poultry products or the preparation and processing of ready-to-eat (delicatessen) foods for sale at retail. This section does not apply to the operation of an establishment engaged in the processing of products inspected under the federal meat, poultry or egg products inspection acts, or to restaurants, vending machine commissaries or catering establishments licensed and inspected under ch. 160 subch. III of ch. 50 and where processing operations are limited to the retail preparation and processing of meals or lunches for sale directly to consumers or through vending machines. This section does not apply to beekeepers who are engaged in an agricultural pursuit under s. 94.761, or who are engaged in farming under s. 94.761 or 102.04 (3), provided the beekeeper markets only honey extracted from the comb, which is deemed to be raw honey, or naturally produced raw bee products, substantially all of which have been produced by the beekeeper.

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