

1993 Senate Bill 771

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# 1993 WISCONSIN ACT 476

AN ACT to create 97.25 of the statutes, relating to: use of synthetic bovine growth hormone for the production of milk, labeling of dairy products and granting rule-making authority.

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

**SECTION 1.** 97.25 of the statutes is created to read:

**97.25 Use of synthetic bovine growth hormone; labeling of dairy products.** (1) **DEFINITIONS.** In this section:

- (a) "Dairy plant" has the meaning given in s. 97.20
- (1) (a).
- (b) "Dairy product" has the meaning given in s. 97.20
- (1) (b).
- (c) "Milk producer" has the meaning given in s. 97.22
- (1) (f).

(2) **PROHIBITION.** No person may place upon the label of a dairy product a statement indicating that the dairy product is not produced from herds being administered synthetic bovine growth hormone except as provided in sub. (3).

(3) **RULES.** The department shall promulgate rules authorizing the operator of a dairy plant licensed under s. 97.20, a retail food establishment licensed under s. 97.30 or a restaurant with a permit under s. 50.51 who complies with the rules to place upon the label of a dairy product the statement "Farmer-certified rBGH free." or an equivalent statement that is not false or misleading. The statement shall be based upon affidavits from milk producers stating that the milk producers do not use synthetic bovine growth hormone for the production of milk.

(4) **RECIPROCITY.** A person may sell a dairy product that is labeled for retail sale in another state the label of which indicates that the dairy product is not produced from herds being administered synthetic bovine growth hormone only if the dairy product is from a state identified by the department as having laws comparable to this state's laws on labeling dairy products not produced with synthetic bovine growth hormone and is labeled in compliance with the laws of that state.

**SECTION 2. Nonstatutory provisions.** (1) The department of agriculture, trade and consumer protection shall submit proposed rules required under section 97.25 (3) of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than the first day of the 3rd month beginning after the effective date of this subsection.

(2) Using the procedure under section 227.24 of the statutes, the department of agriculture, trade and consumer protection shall promulgate, no later than the 90th day following the effective date of this subsection, rules required under section 97.25 (3) of the statutes, as created by this act, for the period before the effective date of the rules submitted under subsection (1), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the department need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating the rules under this subsection.