

State of Wisconsin



2009 Assembly Bill 575

Date of enactment: **March 15, 2010**

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2009 WISCONSIN ACT 169

AN ACT to create 100.187 of the statutes; **relating to:** requiring the Department of Agriculture, Trade and Consumer Protection to establish standards for products sold as honey, prohibiting the labeling as Wisconsin certified honey of a product that has not been determined to meet the standards, prohibiting the labeling as honey of a product that does not meet the standards, and requiring the exercise of rule-making authority.

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

SECTION 1. 100.187 of the statutes is created to read:
100.187 Sale of honey and Wisconsin certified honey; rules, prohibitions. (1) The department shall promulgate rules that do all the following:

(a) Establish standards for products sold as honey that are consistent with the standard for honey under the Codex Alimentarius of the Food and Agriculture Organization of the United Nations and the World Health Organization, number 12-1981, as revised in 2001.

(b) Establish standards for testing by private laboratories of samples submitted by persons who intend to sell honey produced in this state as Wisconsin certified honey to determine whether the samples meet the standards established under par. (a).

(2) (a) No person may label a product as Wisconsin certified honey or imply that a product is Wisconsin certified honey unless all of the following apply:

1. The product has been determined to meet the standards established under sub. (1) (a) by a laboratory whose

testing procedures meet standards established under sub. (1) (b).

2. A summary of the results of the testing performed under subd. 1. have been submitted to the department and approved by the department.

3. The product was produced in this state.

(b) The department shall investigate violations of this subsection and may bring an action for permanent or temporary injunctive or other relief in any circuit court against a person who violates this subsection.

(3) (a) No person may label a product as honey or imply that a product is honey unless the product meets the standards established under sub. (1) (a).

(b) Any person who suffers damages as a result of a violation of this subsection may bring an action for damages against the violator for the amount of the person's damages or \$1,000, whichever is greater. Notwithstanding s. 814.04 (1), a court shall award to a prevailing plaintiff in an action under this paragraph reasonable attorney fees.

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].