



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBs0221/1  
TKK:wlj&eev:jm

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 485**

January 3, 2014 – Offered by Representative JACQUE.

1     **AN ACT** *to amend* 97.29 (2) (a) (intro.); and *to create* 97.28 of the statutes;  
2           **relating to:** the sale of eggs.

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

3           **SECTION 1.** 97.28 of the statutes is created to read:

4           **97.28 Direct sale of eggs. (1)** In this section:

5           (a) “Candling” means carefully examining, in a dark place, the interior and  
6           exterior of a whole egg that is placed in front of a strong light source.

7           (b) “Egg” means the shell egg of the domestic chicken, *Gallus gallus domesticus*,  
8           and of turkey, duck, goose, guinea, or other avian species whose eggs are used for  
9           human consumption.

10          (c) “Egg producer” means a person who sells eggs laid only by a bird or a flock  
11          of birds owned by that person.

1 (d) “Egg sales route” means one or more residences inhabited by consumers  
2 who regularly buy eggs from an egg producer who travels to the residences.

3 (e) “Farmer’s market” means a building, structure, or place where 2 or more  
4 individuals gather on a regular, recurring basis to sell, directly to the consumer, any  
5 of the following:

6 1. Raw agricultural commodities that are grown, harvested, or collected by the  
7 individual.

8 2. Food that is prepared by the individual.

9 (f) “Nest-run egg” means an egg that is not washed, graded, or subject to  
10 candling before sale.

11 (2) An egg producer who satisfies all of the following need not obtain a license  
12 under s. 97.29 to sell eggs, including nest-run eggs:

13 (a) The number of egg-laying birds in the egg producer’s flock does not exceed  
14 150.

15 (b) The egg producer sells the eggs directly to a consumer through one of the  
16 following venues:

17 1. At the premises where the eggs were laid.

18 2. At a farmers’ market located in this state.

19 3. On an egg sales route.

20 (c) The egg producer packages the eggs in a carton that is labeled only with the  
21 following information:

22 1. The egg producer’s name and address.

23 2. The date on which the egg producer packed the eggs into the carton.

24 3. A date that falls no more than 30 days after the date on which the eggs were  
25 packed by which the eggs must be sold.

1           4. A statement indicating that the eggs in the package are ungraded and  
2           uninspected.

3           (d) The egg producer keeps the eggs, packaged as provided under par. (c) and  
4           held, as packaged, for sale at a venue identified under par. (b), at an ambient  
5           temperature of 41 degrees Fahrenheit or below at all times.

6           **SECTION 2.** 97.29 (2) (a) (intro.) of the statutes is amended to read:

7           97.29 (2) (a) *Requirement.* (intro.) Except as provided under par. (b) and s.  
8           97.28, no person may operate a food processing plant without a valid license issued  
9           by the department for that food processing plant. A license expires on March 31  
10          annually. Each food processing plant shall have a separate license. A license is not  
11          transferable between persons or locations. Application for a license shall be made  
12          on a form provided by the department and be accompanied by the applicable fees  
13          required under sub. (3). An applicant shall identify the categories of food processing  
14          activities which the applicant proposes to conduct at the food processing plant. An  
15          application shall include additional information which may reasonably be required  
16          by the department for licensing purposes.

17          **SECTION 3. Initial applicability.**

18          (1) This act first applies to the sale of eggs on the effective date of this  
19          subsection.

20

(END)