



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2013 Assembly Bill 182**

**Assembly Substitute  
Amendment 1, and Assembly  
Amendments 1 and 5**

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Under current law, facilities at which food is manufactured or prepared for sale through processes such as baking, canning, freezing, and bottling must generally be licensed by the Department of Agriculture Trade and Consumer Protection (DATCP). Current law provides some exemptions to this licensure requirement; for example, for the sale of pickles or other processed vegetables or fruits with an equilibrium pH value of 4.6 or lower that are prepared and canned by a person at home if certain requirements are met. Sales of these goods must take place at a community or social event or at a farmers' market.

### **Assembly Bill 182**

2013 Assembly Bill 182 provides an exemption from the requirement to obtain a food processing plant license for the sale of nonhazardous homemade baked goods by a person who receives less than \$10,000 per year from the sale of the food, registers with DATCP, and complies with requirements concerning labeling and signage. A baked good is nonhazardous if it is acidic or has a low amount of moisture and will not support the growth of dangerous organisms.

Assembly Bill 182 changes the maximum amount of gross sales a person may have in a year to qualify for the home canning license exemption from \$5,000 to \$10,000. The bill also replaces the requirement that the products produced under the home canning exemption be sold at a community or social event or at a farmers' market with a requirement that these products be sold through face-to-face sales to consumers, and applies this same requirement to products sold under the home baking exemption. The bill requires each container of food product sold under either the home canning or home baking exemption to be labeled with the name and address of the person who prepared and canned or prepared and baked the food product, the date on which the food product was canned or baked, and a statement containing specified information.

### **Assembly Substitute Amendment 1**

2013 Assembly Substitute Amendment 1 to Assembly Bill 182 makes all of the changes described above. In addition, it requires a person selling baked goods under the home baking exemption to have a written plan for recalling food products baked by the person should a food recall become necessary, and to document, using a form specified by DATCP, what food products the person sells and when and where the sales take place.

The substitute amendment also prohibits door-to-door sales of goods produced under either the home canning or home baking exemption. Finally, it requires DATCP to provide information about the kinds of foods that can be sold under these exemptions, about food safety, and about safe storage of baked goods, ingredient, and packaging materials to persons who wish to prepare food products under these exemptions.

### **Assembly Amendment 1**

2013 Assembly Amendment 1 to Assembly Substitute Amendment 1 specifies that a person selling baked goods under the home baking exemption must include on the product label the city, state, and zip code of the person's residence and the person's telephone number or e-mail address. The amendment also provides that the person may use the business's name on the label instead of the person's name.

### **Assembly Amendment 5**

2013 Assembly Amendment 5 to Assembly Substitute Amendment 1 requires a person exempt from the requirement to obtain a food processing license to complete a class on food safety that is approved by DATCP and to obtain certification from DATCP.

### **Bill History**

Representatives Brooks and Ringhand offered Assembly Substitute Amendment 1 (ASA1) on August 20, 2013 and Assembly Amendment 1 (AA1) on September 30, 2013. The Committee on Small Business Development offered Assembly Amendment 5 (AA5) on October 9, 2013. On October 9, 2013, the Assembly Committee on Small Business Development voted to recommend adoption of AA1 by a vote of Ayes, 12; Noes, 1; and AA5 by a vote of Ayes, 13; Noes, 0. The committee then voted to recommend adoption of ASA1, as amended by AA1 and AA5, by a vote of Ayes, 13; Noes, 0; and passage of Assembly Bill 182, as amended, on vote of Ayes, 12; Noes, 1.

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