



1995 ASSEMBLY BILL 218

March 17, 1995 - Introduced by Representatives BALDUS, WILDER, GRONEMUS, GROBSCHMIDT, BOYLE, PLOMBON, BOCK, HASENOHRL, R. YOUNG, L. YOUNG, BALDWIN, BELL and ROBSON, cosponsored by Senators CLAUSING, DECKER, CHVALA, MOEN, ANDREA, JAUCH and BURKE. Referred to Committee on Agriculture.

- 1 **AN ACT to create** 97.25 (5) of the statutes; **relating to:** reports concerning
2 provision of synthetic bovine growth hormone and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law requires the department of agriculture, trade and consumer protection (DATCP) to promulgate rules authorizing a person who complies with the rules to place a statement on the label of a dairy product indicating that the dairy product is farmer-certified to be free from synthetic bovine growth hormone (also referred to as rBGH). The statement must be based upon affidavits from the dairy farmers providing the milk from which the dairy product is produced.

This bill requires a person who provides rBGH to dairy farmers to file reports identifying each dairy farmer to whom the person provides rBGH. The reports must be filed with DATCP every 6 months. Upon request, DATCP must inform a person who wishes to label a dairy product as being farmer-certified to be free of rBGH or the operator of a dairy plant that does not label a dairy product but that wishes to represent to the person to whom the dairy plant provides the dairy product that rBGH was not used in producing the dairy product whether any dairy farmer who provides milk from which the dairy product is produced is identified in a report as having received rBGH. DATCP may not provide information from the reports to any other person. A person to whom DATCP provides information from the reports is subject to criminal penalties if he or she intentionally makes that information available to any other person.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

- 3 **SECTION 1.** 97.25 (5) of the statutes is created to read:

1 97.25 (5) REPORTS. (a) A person who provides synthetic bovine growth hormone
2 to a milk producer shall file a report every 6 months with the department identifying
3 each milk producer to whom the person provided synthetic bovine growth hormone
4 during the preceding 6 months.

5 (b) The operator of a dairy plant licensed under s. 97.20, a retail food
6 establishment licensed under s. 97.30 or a restaurant with a permit under s. 254.64
7 who places or intends to place a statement described in sub. (3) upon the label of a
8 dairy product or the operator of a dairy plant licensed under s. 97.20 who does not
9 label a dairy product but who represents or intends to represent to the person to
10 whom the operator provides the dairy product that the dairy product is not produced
11 from herds being administered synthetic bovine growth hormone may submit to the
12 department a list of milk producers that provide milk from which that dairy product
13 is produced and that represent that the milk was produced by herds that were not
14 administered synthetic bovine growth hormone. The department shall identify to
15 the operator any milk producers on the list that are identified in reports under par.

16 (a).

17 (c) The department may not make information in reports under par. (a)
18 available to any person except as provided in par. (b) or in the course of an
19 enforcement action. A person who receives information from the department under
20 par. (b) and intentionally makes that information available to any other person may
21 be fined not more than \$500 or imprisoned for not more than 30 days, or both, for a
22 first offense, may be fined not more than \$1,000 or imprisoned for not more than 90
23 days, or both, for a 2nd offense, and may be fined not more than \$10,000 or
24 imprisoned for not more than 9 months, or both, for a 3rd or subsequent offense.

25 (END)