



## 1995 ASSEMBLY BILL 335

April 28, 1995 - Introduced by Representatives Baldus, Gronemus, Riley, Turner, Baldwin and Robson; cosponsored by Senators CLAUSING, MOEN and BURKE. Referred to Committee on Agriculture.

1     **AN ACT to amend** 97.25 (3) of the statutes; **relating to:** notification by the  
2             operator of a dairy plant of the origin of a dairy product that is not packaged and  
3             labeled for retail sale and granting rule-making authority.

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### *Analysis by the Legislative Reference Bureau*

Current law requires the department of agriculture, trade and consumer protection (DATCP) to promulgate rules that authorize the operator of a dairy plant, a retail food establishment or a restaurant who complies with the rules to label a dairy product as being farmer-certified to be free of synthetic bovine growth hormone (BGH). The statement must be based on affidavits from dairy farmers stating that the dairy farmers do not use synthetic BGH for the production of milk.

This bill requires DATCP to include, in its labeling rules, the requirement that the operator of a dairy plant who sells a dairy product that is not packaged and labeled for retail sale disclose to the purchaser of the dairy product the origin of the dairy product so that the purchaser can determine whether the milk used to make the dairy product is from milk producers who state that they do not use synthetic BGH.

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

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

4             **SECTION 1.** 97.25 (3) of the statutes is amended to read:  
5             **97.25 (3) RULES.** The department shall promulgate rules authorizing the  
6             operator of a dairy plant licensed under s. 97.20, a retail food establishment licensed

1 under s. 97.30 or a restaurant with a permit under s. ~~50.51~~ 254.64 who complies with  
2 the rules to place upon the label of a dairy product the statement "Farmer-certified  
3 rBGH free." or an equivalent statement that is not false or misleading. The  
4 statement shall be based upon affidavits from milk producers stating that the milk  
5 producers do not use synthetic bovine growth hormone for the production of milk.  
6 The rules shall require the operator of a dairy plant who sells or distributes a dairy  
7 product that is not packaged and labeled for retail sale to disclose to the purchaser  
8 of the dairy product the origin of the dairy product so that the purchaser can  
9 determine whether the milk used to make the dairy product is from milk producers  
10 who state that they do not use synthetic bovine growth hormone for the production  
11 of milk.

12 **SECTION 2. Nonstatutory provisions.**

13 (1) SUBMISSION OF PROPOSED RULES. The department of agriculture, trade and  
14 consumer protection shall submit in proposed form the rules required under section  
15 97.25 (3) of the statutes, as affected by this act, to the legislative council staff under  
16 section 227.15 (1) of the statutes no later than the first day of the 7th month  
17 beginning after the effective date of this subsection.

18 (END)