

No. 345, S.]

[Published August 11, 1951.]

CHAPTER 713.

AN ACT to renumber 93.07 (20), (21), (22) and (23); and to create 93.07 (20), 97.022 and 97.023 of the statutes, relating to the establishment of food and dairy standards by the department of agriculture and creation of a food and drug advisory committee, lobbying on food regulations and providing penalties.

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

SECTION 1. 93.07 (20), (21), (22) and (23) of the statutes are renumbered 93.07 (21), (22), (23) and (24) respectively.

SECTION 2. 93.07 (20) of the statutes is created to read:

93.07 (20) ADVISORY COMMITTEE. (a) The governor shall appoint an advisory committee of 5 citizens with a recognized and demonstrated interest in and knowledge of pure food and drugs to assist the department in establishing food definitions and standards as provided for in section 97.022. Within 30 days of the publication of this act the governor shall appoint 2 citizens for 2 years, 2 for 4 years and 1 for 6 years, and thereafter he shall appoint members to fill expired terms for terms of 6 years. The governor shall also fill vacancies. Members of the advisory committee shall receive \$10 a day for each day spent in the performance of their official duties including attendance at public hearings held under section 97.022 and not to exceed \$500 in any one year for each member, and shall receive their actual and necessary expenses while performing their official duties. The committees shall annually select from among their members a chairman.

(b) After public hearings held pursuant to section 97.022 and before such orders become effective the department shall call a meeting of the advisory committee to secure their opinion and recommendations regarding such orders. The chairman of the advisory committee may also request meetings with the proper department officials at the request of 3 members of the committee to propose suggested changes in the rules governing food standards. The proposals and recommendations of the advisory committee shall be advisory only.

SECTION 3. 97.022 of the statutes is created to read:

97.022 REGULATIONS. Whenever in the judgment of the department such action will promote honesty and fair dealing in the interest of consumers it shall ascertain and by regulation fix for foods, under their common or usual names so far as practicable, reasonable definitions and standards of identity, reasonable standards of quality, and reasonable standards of fill of container. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the department shall designate the optional ingredients which shall be named on the label. Before such standards shall become effective there shall be a public hearing, notice of which shall be provided as in section 93.18.

SECTION 3a. 97.023 of the statutes is created to read:

97.023 LOBBYING ON FOOD REGULATIONS. (1) Whoever practices promoting or opposing the making of regulations under section 97.022 before the department, its officers, employes or the advisory committee appointed under section 93.07 (20) or before any member of said committee, shall be deemed a lobbyist and subject to the provisions of section 346.24 (1) and (2). The secretary of state shall prepare a special docket for registration of persons so practicing which shall substantially conform to section 346.23, so far as applicable. The provisions of sections 346.21, 346.22, 346.23, 346.24 (1) and (2), 346.245, 346.25, 346.26 and 346.27 (1) shall, so far as applicable and consistent with this section, apply to persons so practicing. For the purposes of this section the reports and statements required by sections 346.245 and 346.25 shall be made within 10 days after the end of each calendar half year and shall cover the preceding half year period.

- (2) For the purposes of this section wherever in the sections referred to in subsection (1) the term:
- (a) "Sections 346.20 to 346.29" is used it shall be deemed to mean "sections 346.21, 346.22, 346.23, 346.24 (1) and (2), 346.245, 346.25, 346.26 and 346.27 (1)".
 - (b) "Legislation" and "measure" shall be deemed to mean "food regulation under section 97.022".
 - (c) "Bills, resolutions or other measures" shall be deemed to mean "food regulations, under section 97.022".
 - (d) "Legislature or of either branch thereof or of any committee thereof" shall be deemed to mean "department of agriculture or the committee appointed under section 93.07 (20)".
 - (e) "Entire membership of either or both houses of the legislature" and "member of the legislature" shall be deemed to mean "the department, its officers and employes, the advisory committee appointed under section 93.07 (20) or the members of said committee".
 - (f) "Before the regular committees thereof" shall be deemed to mean "at a public hearing held pursuant to section 97.022".

(3) Any person who limits his lobbying solely to appearances at public hearings held pursuant to section 97.022 and registers his appearance with the presiding officer at such hearing shall not be required to be licensed as a lobbyist, pay a license fee, register with the secretary of state or make any reports of expenditures.

SECTION 4. No standards or regulations promulgated under this section shall take effect prior to July 1, 1953. The department may issue orders to take effect at any time after July 1, 1953. Such orders shall not be effective until approved by joint resolution passed by succeeding legislature at any general or special session thereof. Hearings for the purpose of establishing such standards and regulations may be conducted by the department at any time after the passage and publication of this act.

Approved July 27, 1951.
