



## 2005 ASSEMBLY BILL 453

June 1, 2005 - Introduced by Representatives GRONEMUS, SHERMAN, M. WILLIAMS, KERKMAN, MUSSER, HAHN and F. LASEE, cosponsored by Senators BROWN and KANAVAS. Referred to Committee on Public Health.

1     **AN ACT to amend** 95.25 (1) and 95.26 (2); and **to create** 97.24 (2m) of the  
2             statutes; **relating to:** the sale of unpasteurized milk.

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### *Analysis by the Legislative Reference Bureau*

Current law generally prohibits the sale to consumers of milk that has not been pasteurized (raw milk).

This bill authorizes a farmer with a grade A dairy farm permit to sell raw milk if the farmer satisfies requirements specified in the bill, including monthly testing of the milk and yearly testing of the farmer's herd for tuberculosis and brucellosis. The bill requires the farmer to place a warning statement on each container of raw milk. The bill also provides that a farmer is not liable for death or injury caused by raw milk that the farmer is authorized to sell, except in cases of willful or wanton acts or omissions.

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:*

3             **SECTION 1.** 95.25 (1) of the statutes is amended to read:  
4             95.25 (1) In order to detect and control bovine tuberculosis the department may  
5             test for tuberculosis those cattle where indication of possible infection is disclosed by

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1 means of the slaughter cattle identification program and any other cattle,  
2 farm-raised deer or other species the department has reason to believe may be  
3 infected or exposed or considers necessary to test for any other reason. In addition,  
4 a milk producer engaging in the sale of unpasteurized milk under s. 97.24 (2m) (a)  
5 shall have each animal in the milk producer's herd tested for bovine tuberculosis  
6 annually. Tuberculosis tests authorized by the department shall be made at such  
7 times and in such manner as the department determines, in the light of the latest  
8 and best scientific and practical knowledge and experience.

9 **SECTION 2.** 95.26 (2) of the statutes is amended to read:

10 95.26 (2) All milk and cream received at every dairy plant shall be tested at not  
11 more than 6-month intervals by the B.R.T. test, and brucellosis tests shall be applied  
12 promptly to cattle when the milk or cream therefrom discloses a positive reaction to  
13 the B.R.T. test or to cattle and American bison when other indications of possible  
14 infection are disclosed. In addition, a milk producer engaging in the sale of  
15 unpasteurized milk under s. 97.24 (2m) (a) shall have each animal in the milk  
16 producer's herd tested for brucellosis annually. All cattle and American bison, except  
17 steers and spayed heifers, shall be subject to the brucellosis test, but official  
18 vaccinates not older than the maximum age prescribed by rules of the department  
19 need not be tested except when deemed necessary by the department or the  
20 attending veterinarian. Brucellosis tests and official vaccination provided for in this  
21 section shall be performed by a veterinarian approved by the department. When  
22 brucellosis tests are not conducted by any such veterinarian within 15 days of the  
23 date notice to test is mailed to the cattle or American bison owner, the department  
24 shall conduct such tests. Except where compensated by the federal government,  
25 approved veterinarians performing testing and vaccination under this section shall

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1 be paid by the state at uniform rates established by the department. Blood samples  
2 drawn for the brucellosis test shall be submitted to the department promptly for  
3 laboratory examination.

4 **SECTION 3.** 97.24 (2m) of the statutes is created to read:

5 97.24 (2m) SALE OF UNPASTEURIZED MILK. (a) Notwithstanding subs. (2) (b) and  
6 (3), a milk producer may sell unpasteurized milk directly to a consumer if all of the  
7 following conditions are satisfied:

- 8 1. The milk producer has a grade A dairy farm permit under s. 97.22 (3).
- 9 2. The milk producer's animals are tested as required by ss. 95.25 (1) and 95.26  
10 (2).
- 11 3. At least once each month, the milk producer submits a representative sample  
12 of milk to a laboratory approved by the department and testing of that sample shows  
13 that the milk meets the standards in rules promulgated by the department for  
14 pasteurized grade A milk.
- 15 4. Either the milk producer or the customer provides a container for the milk  
16 that has been prepared in a sanitary manner and the producer fills the container in  
17 a sanitary manner.
- 18 5. The milk producer does not fill the container by dipping it or any utensil into  
19 a bulk tank.
- 20 6. The milk producer places on the container the following statement:  
21 "Warning: This product has not been pasteurized and, therefore, may contain  
22 harmful bacteria that can cause serious illness in children, the elderly, and persons  
23 with weakened immune systems."

24 (b) A farmer who sells unpasteurized milk under par. (a) is immune from civil  
25 liability for the death of or injury to an individual caused by the unpasteurized milk

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1 sold by the farmer, unless the death or injury was caused by willful or wanton acts  
2 or omissions.

3 (END)