State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4023/1
KP:skw

2019 BILL

AN ACT ***to create*** 97.26 of the statutes; **relating to:** labeling food as a type of dairy product or as a dairy ingredient and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under this bill, no person may label a food product as, or sell or offer for sale a food product that is labeled as, a type of dairy product, such as cream, yogurt, or cheese, unless the food product is a dairy product. This prohibition applies to most dairy products but excludes milk and other products derived solely from the milk of cows or other hooved or camelid mammals.

Also, under the bill, no person may label a food product as, or sell or offer for sale a food product that is labeled as, a type of dairy ingredient unless the food product is derived from cow's milk, or hooved or camelid mammal's milk or a type of milk that meets certain specifications under federal law. The bill also requires the Department of Agriculture, Trade and Consumer Protection to promulgate rules to implement the bill's prohibitions.

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:

SECTION 1. 97.26 of the statutes is created to read:

97.26 Labeling food as a type of dairy product. (1) DAIRY PRODUCTS. No person may label a food product as, or sell or offer for sale a food product that is labeled as, a type of dairy product described in s. 97.20 (1) (b) 3. to 5. or a similar term unless the food product is a dairy product, as defined in s. 97.20 (1) (b).

(2) DAIRY INGREDIENTS. No person may label a food product as, or sell or offer for sale a food product that is labeled as, a type of dairy ingredient unless the food product is derived from at least one of the following:

(a) Milk, lowfat milk, skim milk, or nonfat dry milk.

(b) A product described in 21 CFR 131.110 to 131.147.

(c) Hooved or camelid mammals' milk, as defined in s. 97.20 (1) (fm).

(3) RULES. The department shall promulgate rules to implement this section.

SECTION 2. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

(END)