



2009 SENATE BILL 434

December 21, 2009 – Introduced by Senators KREITLOW, TAYLOR, HOLPERIN, DARLING, KAPANKE, LEIBHAM and SCHULTZ, cosponsored by Representatives DANOU, HILGENBERG, MILROY, GUNDERSON, BALLWEG, RICHARDS, POPE-ROBERTS, BERCEAU, VOS, KERKMAN, LEMAHIEU, ROYS, SOLETSKI, SHERMAN and PRIDEMORE. Referred to Committee on Agriculture and Higher Education.

1 **AN ACT** *to create* 97.24 (2m) of the statutes; **relating to:** the sale of
2 unpasteurized milk, buttermilk, butter, and cream.

Analysis by the Legislative Reference Bureau

Current law generally prohibits the sale of unpasteurized (commonly called raw) milk and other milk products.

This bill authorizes a dairy farmer with a grade A dairy farm permit to sell unpasteurized milk, buttermilk, butter, and cream directly to consumers on the farm if the dairy farmer obtains a raw milk permit from the Department of Agriculture, Trade and Consumer Protection, the container is prepared and filled in a sanitary manner, and the dairy farmer displays a sign indicating that raw milk does not provide the protection of pasteurization. The bill also provides that a dairy farmer is not liable for selling a product as authorized by the bill, 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.

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

3 **SECTION 1.** 97.24 (2m) of the statutes is created to read:
4 **97.24 (2m)** SALE OF UNPASTEURIZED MILK AND MILK PRODUCTS. (a) The
5 department shall issue permits to sell unpasteurized milk and milk products for the

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1 purposes of par. (b). The department shall issue a permit under this paragraph, upon
2 request, to any milk producer who has a grade A dairy farm permit under s. 97.22
3 (3). The department may not specify additional requirements for a permit under this
4 paragraph.

5 (b) Notwithstanding subs. (2) (b) and (3), a milk producer may sell
6 unpasteurized milk, buttermilk, butter, and cream directly to a consumer on the milk
7 producer's dairy farm if all of the following apply:

8 1. The milk producer has a permit to sell unpasteurized milk and milk products
9 under par. (a).

10 2. Either the milk producer or the consumer provides a sanitary container for
11 the product that has been prepared in a sanitary manner and the container is filled
12 in a sanitary manner.

13 3. At the place where the products are sold, the milk producer displays a sign
14 that is easy for a consumer to read and that states: "Raw milk products sold here.
15 Raw milk products do not provide the protection of pasteurization."

16 (c) A milk producer who sells a product in accordance with par. (b) is immune
17 from civil liability for the death of or injury to an individual caused by the product,
18 unless the death or injury was caused by willful or wanton acts or omissions.

19 (END)