2011 Wisconsin Act 195 [2011 Senate Bill 517]	Licensing of Plants That Process Certain Foods Made From Milk or Milk Products

A facility at which food is manufactured or processed for sale through any of a number of listed processes must be licensed by the Department of Agriculture, Trade, and Consumer Protection (DATCP) as a food processing plant. In addition, a facility at which dairy products are manufactured or processed for sale or distribution must be licensed by the DATCP as a dairy plant. "Dairy product" is defined as "milk or any product or by-product of milk, or any commodity in which milk or any milk product or by-product is a principal ingredient." A facility licensed as a dairy plant is exempt from the food processing plant license requirement.

The Act creates a new exception from the dairy plant license requirement. Specifically, the Act provides that a licensed food processing plant that processes dairy products into a prepared food is exempt from the dairy plant license requirement if all of the following apply:

- The dairy products used are either:

  o Manufactured at a dairy plant from pasteurized ingredients; or

  o Produced under other processes that eliminate or reduce to an acceptable level the food safety hazards associated with dairy products.

- The federal Food and Drug Administration has not prescribed a standard of identity for the prepared food.[1]

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[1] A standard of identity is a standard promulgated by the FDA to ensure that a food identified and marketed by a particular name (e.g., mayonnaise or fruit jelly) is what that name is commonly understood to mean.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: http://www.legis.state.wi.us/.

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