

State of Wisconsin



2015 Senate Bill 513

Date of enactment: **March 1, 2016**
Date of publication*: **March 2, 2016**

2015 WISCONSIN ACT 243

AN ACT *to repeal* 97.42 (1) (a), 97.42 (1) (c), 97.42 (1) (d) 2., 97.42 (1) (g), 97.42 (1) (j), 97.42 (1) (m), 97.42 (1) (o), 97.42 (4) (c), 97.42 (5), 97.42 (6) (a) 4. and 97.45; *to amend* 97.42 (title), 97.42 (1) (b), 97.42 (1) (d) (intro.), 97.42 (1) (d) 3., 97.42 (1) (e), 97.42 (1) (f), 97.42 (1) (fm), 97.42 (1) (h), 97.42 (1) (i), 97.42 (1) (k), 97.42 (1) (L), 97.42 (2) (a), 97.42 (2) (a), 97.42 (2) (b), 97.42 (2) (c), 97.42 (3) (a), 97.42 (3) (b), 97.42 (3) (c), 97.42 (3) (d), 97.42 (3) (e), 97.42 (3) (em), 97.42 (3) (f), 97.42 (4) (a), 97.42 (4) (b), 97.42 (4) (d), 97.42 (4) (e) 2., 97.42 (4) (e) 3., 97.42 (4) (f), 97.42 (4) (g), 97.42 (4) (h), 97.42 (4) (i), 97.42 (4m), 97.42 (6) (a) (intro.), 97.42 (6) (b), 97.42 (6) (c), 97.42 (6) (d), 97.42 (7), 97.42 (9) (a), 97.42 (9) (b) 1., 97.42 (9) (b) 2., 97.42 (10) and 97.42 (11); *and to create* 97.42 (1) (bg), 97.42 (1) (br), 97.42 (1) (cm), 97.42 (1) (em), 97.42 (2) (bg) and 97.42 (3) (cm) of the statutes; **relating to:** regulation of establishments where animals are slaughtered or meat is processed, and granting rule-making authority.

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

SECTION 1. 97.42 (title) of the statutes is amended to read:

97.42 (title) Compulsory inspection of animals, livestock or poultry, and meat or poultry and carcasses products.

SECTION 2. 97.42 (1) (a) of the statutes is repealed.

SECTION 3. 97.42 (1) (b) of the statutes is amended to read:

97.42 (1) (b) "Capable of use as human food" applies to any carcass or part of a carcass of any animal or poultry or animal meat or poultry product unless it is denatured or otherwise identified as unfit for human consumption as required by department rules, or is naturally inedible by humans.

SECTION 4. 97.42 (1) (bg) of the statutes is created to read:

97.42 (1) (bg) "Captive game animal" means an animal of a normally wild type that is produced in captivity

for slaughter and consumption. "Captive game animal" does not include a farm-raised deer, ratite, captive game bird, fish, or an animal that is kept solely for hunting purposes at a hunting preserve.

SECTION 5. 97.42 (1) (br) of the statutes is created to read:

97.42 (1) (br) "Captive game bird" means a bird of a normally wild type that is produced in captivity for slaughter and consumption, including a pheasant, quail, wild turkey, migratory wildfowl, or other bird that the department designates as a captive game bird by rule. "Captive game bird" does not include poultry, ratites, or birds kept solely for hunting purposes at a hunting preserve.

SECTION 6. 97.42 (1) (c) of the statutes is repealed.

SECTION 7. 97.42 (1) (cm) of the statutes is created to read:

97.42 (1) (cm) "Denature" means to intentionally make an item unfit for human consumption by adding a substance to it to alter the item's appearance or other natural characteristics.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 8. 97.42 (1) (d) (intro.) of the statutes is amended to read:

97.42 (1) (d) (intro.) “Establishment” means a plant or premises, including retail premises, where animals livestock or poultry are slaughtered for human consumption, or a plant or premises, including retail premises, where meat or poultry products or meat food products are processed, but shall does not include any of the following:

SECTION 9. 97.42 (1) (d) 2. of the statutes is repealed.

SECTION 10. 97.42 (1) (d) 3. of the statutes is amended to read:

97.42 (1) (d) 3. Premises of a person who is the owner of the animals livestock or poultry to be slaughtered or of carcasses the meat or poultry products to be processed, and if the resulting product is for exclusive use by him or her and the owner, members of his or her the owner’s household and his or her, or the owner’s nonpaying guests and employees.

SECTION 11. 97.42 (1) (e) of the statutes is amended to read:

97.42 (1) (e) “Inspector” means any person employed ~~by the department or any cooperating agency who is or~~ authorized by the department to do any work or perform any duty in connection with the department’s meat and poultry inspection program.

SECTION 12. 97.42 (1) (em) of the statutes is created to read:

97.42 (1) (em) “Livestock” means cattle, sheep, swine, goats, farm-raised deer, alpacas, llamas, bison, ratites, rabbits, and other species that the department designates as livestock by rule.

SECTION 13. 97.42 (1) (f) of the statutes is amended to read:

97.42 (1) (f) “Meat broker” means any person engaged in the business of buying or selling meat and or poultry products, ~~or meat and poultry food products~~ on commission, or otherwise negotiating purchases or sales of ~~such articles~~ meat or poultry products other than for the person’s own account or as an employee of another person.

SECTION 14. 97.42 (1) (fm) of the statutes is amended to read:

97.42 (1) (fm) “Meat distributor” means a person who is engaged in the business of distributing in this state meat and or poultry products at wholesale.

SECTION 15. 97.42 (1) (g) of the statutes is repealed.

SECTION 16. 97.42 (1) (h) of the statutes is amended to read:

97.42 (1) (h) “Meat products” and “or poultry products” means ~~the carcasses or any parts, including the viscera, of carcasses of animals and slaughtered livestock or poultry that are~~ capable of use as human food.

SECTION 17. 97.42 (1) (i) of the statutes is amended to read:

97.42 (1) (i) “Mobile processor” means a person, other than the owner of the livestock or poultry being slaughtered or the meat or poultry products being processed, who provides a meat processing service to slaughters livestock or poultry or processes meat or poultry products for the general public for compensation other than the trading of services on an exchange basis, and conducts the meat slaughtering or processing at the premises of the owner of the carcasses livestock or poultry being slaughtered or the meat or poultry products being processed.

SECTION 18. 97.42 (1) (j) of the statutes is repealed.

SECTION 19. 97.42 (1) (k) of the statutes is amended to read:

97.42 (1) (k) “Official inspection mark” means the symbol formulated under the rules of the department to state indicate that the meat, or poultry or product was inspected pursuant to ~~such~~ the department’s rules.

SECTION 20. 97.42 (1) (L) of the statutes is amended to read:

97.42 (1) (L) “Poultry” means any domesticated ~~fowl birds, including but not limited to~~ chickens, turkeys, geese, ducks, or guineas, but shall does not include ~~commercially produced~~ captive game birds or ratites.

SECTION 21. 97.42 (1) (m) of the statutes is repealed.

SECTION 22. 97.42 (1) (o) of the statutes is repealed.

SECTION 23. 97.42 (2) (a) of the statutes is amended to read:

97.42 (2) (a) ~~No~~ Subject to pars. (b) and (bg), no person may operate an establishment ~~as defined in sub. (4) (d) without a valid license issued by the department for each such establishment. That license expires on June 30 annually, except that a license issued for a new establishment on or after March 30 but before July 1 expires on June 30 of the following year. No license may be issued unless the applicant has complied with the requirements of this section. The annual license fee is \$200, except the annual license fee shall be \$80 for those establishments engaged only in slaughtering uninspected animals livestock or poultry or processing uninspected meat or poultry products as a custom service, and but not in for other operations subject to for which a license under this section is required. No person may be required to obtain a license under s. 97.29 or 97.30 for activities licensed under this section or which is for establishments inspected under 21 USC 451 to 472 and 601 to 695.~~

SECTION 24. 97.42 (2) (a) of the statutes, as affected by 2015 Wisconsin Act ... (this act), is amended to read:

97.42 (2) (a) Subject to pars. (b) and (bg), no person may operate an establishment without a valid license issued by the department. That license expires on June 30 annually, except that a license issued for a new establishment on or after March 30 but before July 1 expires on June 30 of the following year. No license may be issued unless the applicant has complied with the require-

ments of this section. ~~The department shall establish by rule the annual license fee is fees for establishments, not to exceed \$200, except the based on the type of mandatory inspection required to be performed at the establishment. The department shall establish a reduced annual license fee shall be \$80 for those establishments engaged only in slaughtering uninspected livestock or poultry or processing uninspected meat or poultry products as a custom service, but not for other operations for which a license under this section is required. No person may be required to obtain a license under s. 97.29 or 97.30 for activities licensed under this section or for establishments inspected under 21 USC 451 to 472 and 601 to 695.~~

SECTION 25. 97.42 (2) (b) of the statutes is amended to read:

97.42 (2) (b) Paragraph (a) does not apply to any person operating an establishment that only processes meat or poultry products, ~~or meat or poultry food products,~~ for sale directly to consumers at retail on the premises where the products were processed, ~~if only inspected meat is or poultry products are permitted on the premises and sales to hotels, restaurants, and institutions are restricted to 25% of the volume gross annual value of meat or poultry product sales or \$28,800 annually the adjusted dollar limitation published by the federal department of agriculture under 9 CFR 303.1 (d) (2) (iii) (b), whichever is less. No person exempt from licensure under this paragraph may sell any cured, smoked, seasoned, canned, or cooked meat food or poultry products produced by that person to hotels, restaurants, or institutions.~~

SECTION 26. 97.42 (2) (bg) of the statutes is created to read:

97.42 (2) (bg) Paragraph (a) does not apply to any person operating an establishment that meets the requirements under 9 CFR 303.1 (d) (2) (iv) (c) or (e) (1), or 381.10 (d) (2) (iv) (c) or (e) (1).

SECTION 27. 97.42 (2) (c) of the statutes is amended to read:

97.42 (2) (c) No person may operate as ~~a mobile slaughterer or as a mobile processor~~ without an annual registration certificate issued by the department, except that no registration certificate is required for ~~a mobile slaughterer or a mobile processor~~ who holds a license issued under par. (a). A registration certificate expires on June 30, annually. An application for an annual registration certificate shall be submitted on a form provided by the department and shall include information reasonably required by the department for registration purposes. The department shall promulgate rules regulating ~~mobile slaughterers and mobile processors,~~ including rules related to facilities, sanitation, identification of carcasses, and record keeping.

SECTION 28. 97.42 (3) (a) of the statutes is amended to read:

97.42 (3) (a) *Examination before slaughter.* For the purpose of preventing the sale and use in this state of meat

~~products and or poultry products which that are unwholesome adulterated or otherwise unfit for not capable of use as human food,~~ the department shall cause to be made, by inspectors who may be veterinarians on either a full-time or part-time basis, under supervision of the department, an examination and inspection of all animals livestock and poultry before they are slaughtered in any establishment, except as provided in pars. (d) and (em). All animals livestock and poultry found on such inspection to show symptoms of disease shall be condemned or set apart and slaughtered separately from all other animals livestock and poultry, and when so slaughtered the carcasses meat or poultry products thereof shall be subject to careful examination, inspection, and disposition, in accordance with rules issued by the department.

SECTION 29. 97.42 (3) (b) of the statutes is amended to read:

97.42 (3) (b) *Examination after slaughter.* For the purpose stated in par. (a), the department shall cause to be made, by inspectors ~~under supervision of the department,~~ who may be veterinarians on either a full-time or part-time basis, under supervision of the department, an examination and inspection of the carcasses ~~and parts thereof meat or poultry products~~ of all animals livestock and poultry slaughtered at any establishment, except as provided in pars. (d) and (em). ~~The carcasses and parts thereof of all animals and Meat or poultry products~~ found to be wholesome and fit for not adulterated and capable of use as human food shall be marked, stamped, tagged, or labeled by inspectors as "Wis. inspected and passed". Inspectors shall mark, stamp, tag, or label as "Wis. inspected and condemned" ~~all carcasses and parts thereof of animals and meat or poultry products~~ found to be unwholesome or otherwise unfit for human food adulterated or otherwise not capable of use as human food, and ~~all carcasses and parts thereof meat or poultry products~~ so inspected and condemned shall be destroyed, in accordance with rules issued by the department. Inspection marks, stamps, tags, and labels shall be prescribed by the department and shall include thereon the identification number of the establishment assigned by the department.

SECTION 30. 97.42 (3) (c) of the statutes is amended to read:

97.42 (3) (c) *Reexaminations.* Inspectors shall, when deemed advisable, reinspect carcasses, ~~parts thereof or meat food or poultry products~~ to determine whether the same they have become unwholesome adulterated or in any other way unfit for otherwise not capable of use as human food. If any carcasses, ~~parts thereof or meat food or poultry products,~~ upon a reexamination, are found to be unwholesome adulterated or otherwise unfit for not capable of use as human food, they shall be destroyed, in accordance with rules issued by the department.

SECTION 31. 97.42 (3) (cm) of the statutes is created to read:

97.42 (3) (cm) *Voluntary reimbursable inspection services.* The department shall provide slaughter inspection services for licensed establishments for certain captive game animals and captive game birds, and shall designate by rule the species of captive game animals and captive game birds for which these services may be provided. The establishment requesting these services shall reimburse the department for the actual cost of providing the services at rates established by rule by the department.

SECTION 32. 97.42 (3) (d) of the statutes is amended to read:

97.42 (3) (d) *Custom service slaughtering.* This subsection ~~shall~~ does not apply to ~~animals~~ livestock and poultry slaughtered as a custom service for the owner of the livestock or poultry exclusively for use by the owner ~~and~~ members of the owner's household, and the owner's nonpaying guests and employees, unless department inspection is specifically requested and performed at establishments where examinations before and after slaughter are otherwise required. The rules of the department shall make provision for the furnishing of ~~such~~ this inspection service, subject to availability of inspector personnel, and for the identification of all ~~animals~~ livestock and poultry custom slaughtered for the owners thereof without department inspection.

SECTION 33. 97.42 (3) (e) of the statutes is amended to read:

97.42 (3) (e) *Periodic inspections.* The department shall make periodic inspections of construction, operation, facilities, equipment, labeling, sanitation, and ~~wholesomeness of practices for ensuring meat and or poultry products, and meat food products are not adulterated,~~ at establishments or any other premises, including vehicles engaged in transportation of ~~such~~ meat or poultry products. Inspection of products and plant operations shall cover ~~such~~ such operations such as cutting and boning, curing and smoking, grinding and fabrication, manufacturing, packaging, labeling, storage and transportation. Periodic inspections of processing operations shall be conducted as uniformly as possible among establishments subject to overtime inspection under sub. (4) (f) to avoid the imposition of undue inspection fees against any establishment. Inspections at overtime rates shall only be held where necessary to assure ~~wholesomeness and the~~ safety of products for human consumption and compliance with the requirements of this section and rules of the department.

SECTION 34. 97.42 (3) (em) of the statutes is amended to read:

97.42 (3) (em) *Slaughter of farm-raised deer.* The requirements of pars. (a) and (b) do not apply to the slaughter of a farm-raised deer if its meat ~~food~~ products are not sold by a person holding a restaurant permit under s. 254.64 or by an operator of a retail food establishment, as defined under s. 97.30 (1) (c). The operator of an

establishment in which farm-raised deer, ~~their~~ carcasses or their meat ~~food~~ products are examined and inspected under this subsection shall pay the department for the cost of the department's examination and inspection.

SECTION 35. 97.42 (3) (f) of the statutes is amended to read:

97.42 (3) (f) *Label requirements.* In addition to label requirements otherwise provided by law, meat ~~food~~ or poultry products shall bear a label, stamp, mark or tag including thereon the official inspection mark and identification number of the establishment where processed. Meat ~~and~~ or poultry products processed and sold at retail to household consumers on the premises ~~shall~~ do not require official inspection marks and identification numbers.

SECTION 36. 97.42 (4) (a) of the statutes is amended to read:

97.42 (4) (a) The inspection before and after slaughter of all ~~animals~~ livestock and poultry killed or dressed for human consumption at any establishment.

SECTION 37. 97.42 (4) (b) of the statutes is amended to read:

97.42 (4) (b) The inspection and marking of ~~earcasses or parts thereof~~ meat or poultry products intended for human consumption, and prohibiting the unauthorized use of any official inspection mark or simulation or counterfeit thereof.

SECTION 38. 97.42 (4) (c) of the statutes is repealed.

SECTION 39. 97.42 (4) (d) of the statutes is amended to read:

97.42 (4) (d) The seizure, retention, and destruction ~~for human consumption of any animal~~ livestock or poultry, ~~carcasses, parts thereof, or meat food or poultry products which have not been inspected or passed or are unwholesome or adulterated or misbranded, for the purpose of preventing human consumption.~~

SECTION 40. 97.42 (4) (e) 2. of the statutes is amended to read:

97.42 (4) (e) 2. The rate of slaughter for the different classes of ~~animals~~ livestock and poultry conform to reasonable ~~minimums~~ minimum levels per hour;

SECTION 41. 97.42 (4) (e) 3. of the statutes is amended to read:

97.42 (4) (e) 3. Inspection of ~~animals~~ livestock and poultry slaughtered as a custom service be restricted to the time of the regular slaughter schedule fixed for the establishment. When inspection is provided for custom slaughtering and custom processing the inspection shall be conducted in accordance with sub. (3) (a) to (c) and rules prescribed under this subsection; and

SECTION 42. 97.42 (4) (f) of the statutes is amended to read:

97.42 (4) (f) Overtime agreements with the department whereby the operator of any establishment subject to a license under sub. (2); agrees to pay the cost for salaries, at overtime rates, and other expenses of department

inspectors whenever slaughtering, carcass preparation, or the processing of meat or poultry products ~~or meat food products~~ is conducted beyond hours or days limited under par. (e), or on Saturdays, Sundays, or holidays for state employees under s. 230.35 (4), or before 6 a.m. or after 6 p.m., or in excess of 40 hours in any week. Overtime charges for periodic inspections under sub. (3) (e) shall, insofar as possible, be limited to the minimum number of hours reasonably required for ~~the conduct of such conducting those~~ inspections. The department may assess overtime charges under this paragraph even though the department provides compensatory time in lieu of overtime compensation under s. 103.025.

SECTION 43. 97.42 (4) (g) of the statutes is amended to read:

97.42 (4) (g) Specifications and standards for location, construction, operation, facilities, equipment, and sanitation for any premises, establishment, or mobile facility where slaughter or processing is carried on, including custom slaughtering of animals livestock or poultry and custom or retail processing of meat and or poultry products.

SECTION 44. 97.42 (4) (h) of the statutes is amended to read:

97.42 (4) (h) Conditions of sanitation under which ~~carcasses, parts of carcasses, poultry and meat and~~ or poultry products shall be stored, transported, or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, transporting, or processing such meat or poultry products.

SECTION 45. 97.42 (4) (i) of the statutes is amended to read:

97.42 (4) (i) Record-keeping requirements for persons engaged in slaughtering or processing operations, or in the storage or transportation of meat, or poultry, ~~or meat food~~ products, including record-keeping requirements for meat brokers and the registration of meat brokers with the department.

SECTION 46. 97.42 (4m) of the statutes is amended to read:

97.42 (4m) FEDERAL REQUIREMENTS. ~~Except as provided in rules promulgated under sub. (4), the~~ The operator of an establishment that is required to be licensed under this section shall comply with ~~9 CFR parts 307 to 311, 313 to 315, 317 to 319, 416 and 417 and part 381 subparts G, H, I, J, K, L, O and P as they apply to federally licensed establishments~~ federal requirements as provided in rules promulgated by the department.

SECTION 47. 97.42 (5) of the statutes is repealed.

SECTION 48. 97.42 (6) (a) (intro.) of the statutes is amended to read:

97.42 (6) (a) (intro.) No person shall may slaughter any ~~animals livestock~~ or poultry for the purpose of selling the meat ~~products~~ or poultry products thereof for human food, or sell, offer for sale, or have in his or her possession with intent to sell ~~such any~~ meat ~~products~~ or poultry prod-

ucts for human food, unless ~~such animals and the live-stock~~ or poultry and the ~~carcasses~~ meat or poultry products thereof have been first inspected and approved as provided by any of the following:

SECTION 49. 97.42 (6) (a) 4. of the statutes is repealed.

SECTION 50. 97.42 (6) (b) of the statutes is amended to read:

97.42 (6) (b) No person shall may sell, offer for sale, or have in his or her possession with intent to sell any meat or poultry products, ~~or meat food products~~ unless ~~they those products~~ have been processed in accordance with this section, or the federal meat inspection act, ~~or county or municipal ordinances approved by the department.~~

SECTION 51. 97.42 (6) (c) of the statutes is amended to read:

97.42 (6) (c) No person shall may slaughter horses, mules, or other equines or process equine carcasses or meat at establishments where ~~other animals livestock~~ or poultry are slaughtered or where ~~other~~ meat or poultry products are processed.

SECTION 52. 97.42 (6) (d) of the statutes is amended to read:

97.42 (6) (d) No county or municipality shall may prohibit the sale of any meat ~~products~~ or poultry products if ~~such the~~ meat products or poultry products are inspected and passed by the department, or by the U.S. federal department of agriculture, ~~or by a county or municipal inspection service approved by the department,~~ provided ~~such the~~ meat products and or poultry products are ~~wholesome and not adulterated or misbranded~~ at the time of sale.

SECTION 53. 97.42 (7) of the statutes is amended to read:

97.42 (7) RIGHT OF ACCESS. No person shall may prevent or attempt to prevent an inspector or other officer or agent of the department from entering, at any time, any establishment or any other place where meat ~~products~~ or poultry products, ~~or foods derived therefrom,~~ are processed, sold, or held for sale, for the purpose of any examination, inquiry, or inspection in connection with the administration and enforcement of this section. The examination, inquiry, or inspection may include taking samples, pictures, and documentary and physical evidence pertinent to enforcement of this section.

SECTION 54. 97.42 (9) (a) of the statutes is amended to read:

97.42 (9) (a) When in the opinion of the department, the use of any equipment, utensil, container, compartment, room, or facilities facility which is unclean or unsanitary or improperly constructed could lead to contamination of ~~the a~~ meat or poultry product, the department may attach a "Rejected" tag to it ~~the item, room, or facility~~. No equipment, utensil, container, compartment, room, or facility so tagged may be used until made

acceptable and released by a department representative, or until ~~such equipment that item, room, or facility~~ is replaced with an acceptable equipment item, room, or facility.

SECTION 55. 97.42 (9) (b) 1. of the statutes is amended to read:

97.42 (9) (b) 1. When in the opinion of the department any ~~carcass, meat or poultry product, meat food product, or supplies or ingredients used in the processing thereof,~~ may be ~~unwholesome, adulterated or misbranded, or otherwise fail to meet standards or requirements of this section or rules adopted under this section,~~ the department may tag ~~them~~ the product, supplies, or ingredients with a "Retained" tag to hold them for further inspection, analysis, or examination. No ~~carcass, meat or poultry product, meat food product, or supplies, or ingredients so tagged may be used, removed from the premises, or otherwise disposed of unless released by a department representative.~~ Such products A tagged item may not be retained for more than 30 days without prior notice to the owner or custodian and the right to an immediate hearing.

SECTION 56. 97.42 (9) (b) 2. of the statutes is amended to read:

97.42 (9) (b) 2. When in the opinion of the department any ~~carcass, meat or poultry product, or supplies or ingredients used in the processing thereof,~~ is ~~unwholesome, adulterated or misbranded, or otherwise fail~~ fails to meet standards or requirements of this section or rules adopted under this section, the department may tag ~~them~~ the product, supplies, or ingredients with a "Detained" tag to hold them for destruction or other disposition. No ~~carcass, meat or poultry product, meat food product, or supplies, or ingredients so tagged may be used, removed from the premises, or otherwise disposed of unless released by a department representative.~~ Such products A tagged item may not be destroyed or detained for more than 30 days without prior notice to the owner or custodian and the right to an immediate hearing.

SECTION 57. 97.42 (10) of the statutes is amended to read:

97.42 (10) **SUSPENSION.** The department may, upon written notice, summarily suspend the operations in

whole or in part at any establishment for substantial violations of this section or rules issued hereunder when, in the opinion of the department, a continuation of the operation would constitute an imminent danger to public health. The department may, upon written notice, summarily suspend inspection at any establishment for acts punishable under sub. (8) where ~~such those~~ acts substantially impair an inspector's ability to conduct an orderly inspection. Upon suspension of operations or inspection, the operator of the establishment may demand a hearing to determine whether the suspension should be vacated. The department shall, within 5 days after receipt of ~~such the~~ demand, hold a hearing and adjudicate the issues as provided in ch. 227. A demand for hearing ~~shall does not, however,~~ operate to stay the suspension pending the hearing.

SECTION 58. 97.42 (11) of the statutes is amended to read:

97.42 (11) **EXEMPTION.** This section ~~shall does~~ not apply to owners of poultry with respect to poultry produced on the owner's farm, provided his or her sales do not exceed 1,000 ~~fowl birds~~ annually, and the birds are labeled and tagged to identify the name and address of the producer and are marked "NOT INSPECTED". Persons processing more than 1,000 ~~fowl birds~~ but less than 20,000 ~~fowl birds~~ shall be fully subject to the provisions of this section relating to licensing, sanitation, facilities, and ~~wholesomeness of practices for ensuring product.~~ If is not adulterated, except that, if the department determines that the protection of consumers from ~~unwholesome adulterated~~ poultry products will not be impaired, it may exempt ~~such these~~ persons from sub. (3) (a) and (b) provided the birds are labeled or tagged to identify the name and address of the producer and are marked "NOT INSPECTED".

SECTION 59. 97.45 of the statutes is repealed.

SECTION 60. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 97.42 (2) (a) (by SECTION 24) and (4m) of the statutes takes effect on the first day of the 25th month beginning after publication.