



Raw Milk

A Wisconsin statute says that only Grade A milk and milk products can be sold or distributed to consumers or to restaurants, institutions or retailers. The law also says that Grade A milk and milk products must be pasteurized. It does allow "incidental sales" to consumers at the dairy farm where the milk is produced.

Often the agencies responsible for enforcing the statutes that the Legislature makes write "administrative rules" that lay out in more detail exactly what the law says. Before they take effect, there are public hearings on administrative rules and the Legislature must approve them. In the case of the raw milk prohibition, administrative rules specify to whom raw milk can be distributed:

- The milk producer who holds the dairy farm license
- An individual with a bona fide ownership interest in the farm
- A family member or nonpaying guest who consumes the milk at the home of the producer or bona fide owner

The administrative rule also defines incidental sales: a sale is not incidental if it is the regular course of business, or if there is any advertising to the general public through any media.

Frequently Asked Questions About Raw Milk in Wisconsin

Can a dairy farmer legally sell raw milk?

No. The sale or distribution of raw or unpasteurized milk is illegal. The law exempts the "incidental sale" of raw milk directly to a consumer at the dairy farm where the milk is produced, for consumption by that consumer (or the consumer's family or nonpaying guests). But those sales are also illegal if done as a regular business, or if they involve advertising of any kind.

Can a dairy farmer legally sell dairy products made from raw milk?

No. You must have a dairy plant license to make dairy products that are sold to consumers. Products such as yogurt, butter and cream must be made from pasteurized milk. Cheese must be made from pasteurized milk unless it is properly aged for at least 60 days.

Can dairy farmers consume raw milk from their own farms?

Yes. A licensed milk producer may consume raw milk from his or her own farm, and may serve that raw milk to family members and nonpaying household guests. A licensed milk producer is legally responsible for all dairy farm operations.

What if the licensed milk producer is a corporation or other business entity?

If a dairy farm is licensed to a legal entity other than an individual or married couple, an individual who is a bona fide owner of that business entity may consume raw milk from that dairy farm, and may serve it to family members and nonpaying household guests. However, a person who merely makes a sham investment in order to obtain raw milk is not a bona fide owner.

Does owning a "cow share" or "herd share" qualify as bona fide ownership?

No.

Can dairy farm employees buy raw milk from the dairy farm where they work?

Yes. Employees can buy raw milk for their personal or household consumption, provided that the licensed dairy farm operator declares them as employees for payroll and tax-reporting purposes.

Additional Resources

[Raw Milk: Know the Raw Facts](#) (Centers for Disease Control)

Food Safety and Raw Milk (Centers for Disease Control)

Wisconsin Statute: 97.24

Wisconsin Rule: 65.52

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