2013 DRAFTING REQUEST

Bill

Received:	**11/6/2013**	Received By:	**mduchek**
Wanted:	**As time permits**	Same as LRB:	
For:	**Jeremy Thiesfeldt (608) 266-3156**	By/Representing:	**Meagan Matthews**
May Contact:		Drafter:	**mduchek**
Subject:	**Health - miscellaneous**	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
Requester's email: **Rep.Thiesfeldt@legis.wisconsin.gov**
Carbon copy (CC) to: **tamara.dodge@legis.wi.gov**

Pre Topic:

No specific pre topic given

Topic:

Food protection changes

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mduchek 11/6/2013	jdyer 11/7/2013		_____ _____			
/1			rschluet 11/7/2013	_____ _____	sbasford 11/7/2013	srose 11/8/2013	State S&L

FE Sent For:

At Intro.

<END>

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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mduchek	11/7 jld	jld 11/7/13				

FE Sent For:

<END>

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

☞ **DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN**

(Request Made By: MED) (Date: 11 / 08 / 2013)

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)

Done MB

○ ☞ Please transfer the drafting file for

2011 LRB _____ (For: Rep. / Sen. _____)

to the drafting file for

2013 LRB _____ (For: Rep. / Sen. _____)

----------OR ----------

○ ☞ Please copy the drafting file for

2013 LRB -1446 / 1 (include the version) (For: Rep. / Sen. Stone)

and place it in the drafting file for

2013 LRB -3587 (For: Rep. / Sen. Thiesfeldt)

☞ Are These "Companion Bills" ?? ... Yes (No)

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: _____

Updated: 09/05/2012

State of Wisconsin
2013 – 2014 LEGISLATURE

SOON

LRB-~~1146/1~~ -3587/1
MED:jld:rs
Keep

2013 BILL

Regen

AN ACT ***to renumber and amend*** 254.71 (1); ***to amend*** 254.71 (2), 254.71 (3) and 254.71 (6) (b); and ***to create*** 66.0436, 254.71 (1g) and 254.71 (1r) (b) and (c) of the statutes; **relating to:** requirements and local ordinances related to certificates of food protection practices.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services (DHS) may issue a certificate of food protection practices (FPP certificate) to an individual who: 1) satisfactorily completes a written examination approved by DHS that demonstrates the individual's basic knowledge of food protection practices; or 2) has achieved comparable compliance. Also under current law, an FPP certificate holder may renew the FPP certificate after five years by satisfactorily completing a recertification training course approved by DHS as meeting standards for approval that are established by DHS by rule.

This bill eliminates the requirement that the initial examination be written and requires examinations to be approved by DHS as meeting standards established by DHS by rule (approved examinations). The bill also provides that an individual renewing an FPP certificate, instead of satisfactorily completing a recertification training course approved by DHS, must again satisfactorily complete an approved examination.

The bill provides, subject to an exception, that whenever food is being prepared, processed, or served at a restaurant, the person who holds the permit for the restaurant issued by DHS or a local health department (restaurant permit holder)

must ensure that there is a person on the restaurant premises who holds an FPP certificate. Under the exception, the restaurant permit holder is not required to ensure that there is an FPP certificate holder on the premises if both of the following apply: 1) the restaurant has five or fewer food handlers who are working at the restaurant at that time; and 2) if the restaurant has had a priority violation at each of two consecutive inspections, the restaurant has, subsequent to those inspections, had two consecutive inspections without a priority health violation.

Finally, the bill prohibits a city, village, town, or county (local government) from enacting an ordinance requiring a restaurant, a restaurant permit holder, or a person who conducts, maintains, manages, or operates a restaurant to satisfy a requirement related to the issuance or possession of an FPP certificate that is not found under the provisions in the statutes related to FPP certificates. The bill provides that, if a local government has in effect on the bill's effective date an ordinance that is so prohibited, that ordinance does not apply and may not be enforced.

For further information see the ***state and local*** 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:

1 **SECTION 1.** 66.0436 of the statutes is created to read:

2 **66.0436 Certificates of food protection practices for restaurants. (1)**
3 In this section, "restaurant" has the meaning given in s. 254.61 (5).

4 **(2)** No city, village, town, or county may enact an ordinance requiring a
5 restaurant, a person who holds a permit for a restaurant, or a person who conducts,
6 maintains, manages, or operates a restaurant to satisfy a requirement related to the
7 issuance or possession of a certificate of food protection practices that is not found
8 under s. 254.71.

9 **(3)** If a city, village, town, or county has in effect on January 1, 2015, an
10 ordinance that the city, village, town, or county is prohibited from enacting under
11 sub. (2), the ordinance does not apply and may not be enforced.

12 **SECTION 2.** 254.71 (1) of the statutes is renumbered 254.71 (1r) (a) and
13 amended to read:

254.71 **(1r)** (a) After January 1, 1995, no person may conduct, maintain, manage or operate a restaurant unless the operator or manager of the restaurant ~~holds a current, valid certificate of food protection practices issued by the department~~ is a certificate holder.

SECTION 3. 254.71 (1g) of the statutes is created to read:

254.71 **(1g)** In this section:

(a) "Approved examination" means an examination that allows an individual to demonstrate basic knowledge of food protection practices and that is approved by the department as meeting the standards established under sub. (6) (b).

(b) "Certificate holder" means an individual who holds a valid certificate of food protection practices issued under this section.

(c) "Food" means a raw, cooked, or processed edible substance; ice; beverages; an ingredient used or intended for use or for sale in whole or in part for human consumption; or chewing gum.

(d) "Food handler" means an individual who is engaged in the preparation, processing, or service of food at a restaurant and who is not a certificate holder.

SECTION 4. 254.71 (1r) (b) and (c) of the statutes are created to read:

254.71 **(1r)** (b) Except as provided in par. (c), whenever food is being prepared, processed, or served at a restaurant, the person who holds the permit for the restaurant shall ensure that a certificate holder is present on the premises of the restaurant.

(c) Paragraph (b) does not apply to a restaurant if the restaurant satisfies all of the following:

1. The restaurant has 5 or fewer food handlers who are working in the restaurant at that time.

2. If the restaurant has had a priority violation, as determined by the department or a local health department granted agent status under s. 254.69, at each of 2 consecutive inspections conducted on or after January 1, 2015, the restaurant has had 2 consecutive inspections subsequent to those inspections without a priority violation, as determined by the department or local health department.

SECTION 5. 254.71 (2) of the statutes is amended to read:

254.71 **(2)** Except as provided in s. 250.041, the department may issue a certificate of food protection practices to an individual who satisfactorily completes ~~a written~~ an approved examination~~, approved by the department, that demonstrates the individual's basic knowledge of food protection practices~~ or who has achieved comparable compliance.

SECTION 6. 254.71 (3) of the statutes is amended to read:

254.71 **(3)** Each certificate is valid for 5 years from the date of issuance and, except as provided in s. 250.041, may be renewed by the ~~holder of the~~ certificate holder if he or she satisfactorily completes ~~a recertification training course approved by the department~~ an approved examination.

SECTION 7. 254.71 (6) (b) of the statutes is amended to read:

254.71 **(6)** (b) Specifying standards for approval of ~~training courses for recertification of food protection practices~~ examinations required under this section.

SECTION 8. Initial applicability.

(1) The treatment of section 254.71 (2) of the statutes first applies to an application for a certificate of food protection practices that is submitted on the effective date of this subsection.

1 (2) The treatment of section 254.71 (3) of the statutes first applies to an
2 application for a renewal of a certificate of food protection practices that is submitted
3 on the effective date of this subsection.

4 **SECTION 9. Effective date.**

5 (1) This act takes effect on January 1, 2015.

6 **(END)**

Rose, Stefanie

From: Matthews, Meagan
Sent: Thursday, November 07, 2013 4:38 PM
To: LRB.Legal
Subject: Draft Review: LRB -3587/1 Topic: Food protection changes

Please Jacket LRB -3587/1 for the ASSEMBLY.