



## 2019 SENATE BILL 170

1     **AN ACT** *to amend* 97.30 (1) (c); and *to create* 66.0416 and 97.29 (1) (h) 12m. of  
2             the statutes; **relating to:** allowing minors to operate temporary stands without  
3             a permit or license.

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*Analysis by the Legislative Reference Bureau*

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

4             **SECTION 1.** 66.0416 of the statutes is created to read:  
5             **66.0416 Stands operated by minors. (1)** In this section:  
6             (a) “Political subdivision” means a city, village, town, or county.  
7             (b) “Stand operated by a minor” means a stand or other location at which goods  
8             other than potentially hazardous food, as defined in s. 97.30 (1) (bm), are sold in  
9             occasional sales, as defined in s. 77.51 (9), directly to consumers; that operates on a  
10            temporary, occasional basis; and that is operated solely by a person or persons under  
11            the age of 18 on private property with the permission of the property owner.

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**SECTION 1**

1 (2) No political subdivision may do any of the following:

2 (a) Enact an ordinance or adopt a resolution that prohibits a stand operated by  
3 a minor.

4 (b) Require a license or permit for, or impose a fee, charge, or surcharge on, any  
5 stand operated by a minor.

6 (3) If a political subdivision has enacted an ordinance or adopted a resolution  
7 before the effective date of this subsection .... [LRB inserts date], that is inconsistent  
8 with sub. (2), the ordinance or resolution does not apply and may not be enforced.

9 **SECTION 2.** 97.29 (1) (h) 12m. of the statutes is created to read:

10 97.29 (1) (h) 12m. A place used to process food for sale at a stand operated by  
11 a minor, as defined in s. 66.0416 (1) (b).

12 **SECTION 3.** 97.30 (1) (c) of the statutes is amended to read:

13 97.30 (1) (c) "Retail food establishment" means a permanent or mobile food  
14 processing facility where food processing is conducted primarily for direct retail sale  
15 to consumers at the facility, a mobile facility from which potentially hazardous food  
16 is sold to consumers at retail or a permanent facility from which food is sold to  
17 consumers at retail, whether or not that facility sells potentially hazardous food or  
18 is engaged in food processing. "Retail food establishment" includes a restaurant or  
19 temporary restaurant, ~~but.~~ "Retail food establishment" does not include an  
20 establishment holding a license under s. 97.605, to the extent that the activities of  
21 the establishment are covered by that license, ~~or a stand operated by a minor, as~~  
22 defined in s. 66.0416 (1) (b).

23 (END)