

2019 Senate Bill 170 (LRB -2318)

An Act to amend 97.30 (1) (c); and to create 66.0416 and 97.29 (1) (h) 12m. of the statutes; relating to: allowing minors to operate temporary stands without a permit or license. (FE)

2019

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|--------|----|---|-----|
| 04-18. | S. | Introduced by Senators Kooyenga, Carpenter, Cowles, Craig, Kapenga, Marklein, Nass, Olsen, Stroebel, L. Taylor, Testin and Wanggaard ; cosponsored by Representatives Horlacher, Sargent, Allen, Ballweg, Brandtjen, Brooks, Dittrich, Edming, Fields, Gundrum, Katsma, Kerkman, Knodl, Kulp, Macco, Murphy, Mursau, L. Myers, Ohnstad, Pronschinske, Rohraste, Sinicki, Skowronski, Snyder, Sortwell, Spiros, Stafholt, Steffen, Tranel, Vining, Vruwink, Wichgers and Zimmerman . | 159 |
| 04-18. | S. | Read first time and referred to Committee on Public Benefits, Licensing and State-Federal Relations | 159 |
| 04-30. | S. | Senate Amendment 1 offered by Senator Kooyenga (LRB a0182) | 171 |
| 05-01. | S. | Representative Schraa added as a cosponsor | 174 |
| 05-08. | S. | Fiscal estimate received | |
| 05-17. | S. | Representative Bowen added as a cosponsor | 208 |
| 09-10. | S. | Public hearing held | |
| 09-26. | S. | Executive action taken | |
| 09-26. | S. | Report adoption of Senate Amendment 1 recommended by Committee on Public Benefits, Licensing and State-Federal Relations, Ayes 5, Noes 0 | 401 |
| 09-26. | S. | Report passage as amended recommended by Committee on Public Benefits, Licensing and State-Federal Relations, Ayes 5, Noes 0 | 401 |
| 09-26. | S. | Available for scheduling | |
| 10-04. | S. | Placed on calendar 10-8-2019 pursuant to Senate Rule 18(1) | 419 |
| 10-08. | S. | Read a second time | 427 |
| 10-08. | S. | Senate Amendment 1 adopted | 427 |
| 10-08. | S. | Ordered to a third reading | 427 |
| 10-08. | S. | Rules suspended | 427 |
| 10-08. | S. | Read a third time and passed | 427 |
| 10-08. | S. | Ordered immediately messaged | 428 |
| 10-08. | A. | Received from Senate | 311 |
| 10-08. | A. | Read first time and referred to committee on Rules | 311 |
| 10-08. | A. | Placed on calendar 10-10-2019 by Committee on Rules | |
| 10-10. | A. | Rules suspended to withdraw from calendar and take up | |
| 10-10. | A. | Read a second time | |
| 10-10. | A. | Ordered to a third reading | |
| 10-10. | A. | Rules suspended | |
| 10-10. | A. | Read a third time and concurred in | |
| 10-10. | A. | Ordered immediately messaged | |
| 10-11. | S. | Received from Assembly concurred in | |

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ENROLLED BILL

Adopted Documents

Original

Engrossed

Substitute Amdt

19 -231811

Amendments: None or Listed below.

SA-1

Corrections: None or Listed by date below.

Topic: Same as relating clause or Indicated below.

10/11/19

Date

Enrolling Drafter



State of Wisconsin
2019 - 2020 LEGISLATURE

CORRECTED
COPY

LRB-2318/1

MCP:ahc

2019 SENATE BILL 170

April 18, 2019 - Introduced by Senators KOOYENGA, CARPENTER, COWLES, CRAIG, KAPENGA, MARKLEIN, NASS, OLSEN, STROEBEL, L. TAYLOR, TESTIN and WANGGAARD, cosponsored by Representatives HORLACHER, SARGENT, ALLEN, BALLWEG, BRANDTJEN, BROOKS, DITTRICH, EDMING, FIELDS, GUNDRUM, KATSMA, KERKMAN, KNODL, KULP, MACCO, MURPHY, MURSAU, L. MYERS, OHNSTAD, PRONSCHINSKE, ROHRKASTE, SINICKI, SKOWRONSKI, SNYDER, SORTWELL, SPIROS, STAFSHOLT, STEFFEN, TRANEL, VINING, VRUWINK, WICHGERS and ZIMMERMAN. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

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.

Analysis by the Legislative Reference Bureau

This bill allows minors to operate temporary stands without a permit or license.

Under current law, a facility that processes food for sale must obtain a food processing plant license from the Department of Agriculture, Trade and Consumer Protection. If food will be sold at retail at the same location where it was prepared, the facility must obtain a retail food establishment license from DATCP. In addition, current law does not restrict the ability of municipalities to prohibit a minor from operating a temporary stand or to require a permit or license for a minor operating a temporary stand.

Under the bill, a place used for preparing food for sale at a stand operated by a minor does not need a food processing plant license from DATCP, and a stand operated by a minor does not need a retail food establishment license. In addition, under the bill, a municipality may not prohibit a minor from operating a stand or require a permit or license for a minor operating a stand. The bill defines a "stand operated by a minor" as a temporary, occasional establishment operated on private property by children under the age of 18 that makes occasional sales, defined under current law as sales of less than \$2,000 in a year.

SENATE BILL 170

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.** 66.0416 of the statutes is created to read:

2 **66.0416 Stands operated by minors. (1)** In this section:

3 (a) "Political subdivision" means a city, village, town, or county.

4 (b) "Stand operated by a minor" means a stand or other location at which goods
5 are sold in occasional sales, as defined in s. 77.51 (9), directly to consumers; that
6 operates on a temporary, occasional basis; and that is operated solely by a person or
7 persons under the age of 18 on private property with the permission of the property
8 owner.

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

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

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

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

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

18 **97.29 (1) (h) 12m.** A place used to process food for sale at a stand operated by
19 a minor, as defined in s. 66.0416 (1) (b).

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

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SENATE BILL 170

1 97.30 (1) (c) "Retail food establishment" means a permanent or mobile food
2 processing facility where food processing is conducted primarily for direct retail sale
3 to consumers at the facility, a mobile facility from which potentially hazardous food
4 is sold to consumers at retail or a permanent facility from which food is sold to
5 consumers at retail, whether or not that facility sells potentially hazardous food or
6 is engaged in food processing. "Retail food establishment" includes a restaurant or
7 temporary restaurant, ~~but~~. "Retail food establishment" does not include an
8 establishment holding a license under s. 97.605, to the extent that the activities of
9 the establishment are covered by that license, or a stand operated by a minor, as
10 defined in s. 66.0416 (1) (b).

11

(END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa0182/1
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SENATE AMENDMENT 1,
TO SENATE BILL 170

April 30, 2019 - Offered by Senator KOOYENGA.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 4: after "goods" insert "other than potentially hazardous food,
3 as defined in s. 97.30 (1) (bm),".

4 (END)

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