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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2019 Senate Bill 106**

**Senate Substitute  
Amendment 1**

### BACKGROUND

2019 Senate Bill 106 relates to pre-licensing inspections of micro markets. A micro market generally means an indoor, unstaffed, self-checkout kiosk that sells food and beverages in bulk or in a package to a limited group of people, such as employees, and not the general public. Micro markets must be licensed as retail food establishments by the Department of Agriculture, Trade, and Consumer Protection (DATCP); however, 2017 Wisconsin Act 225 created some requirements, which are unique to micro markets. For example, the annual license fee for micro markets is \$40 for one micro market located in a building, or \$60 for two or more micro markets located in the same building.

Currently, a new micro market is either subject to a pre-licensing inspection or may, alternatively, be inspected within one year of licensure. If DATCP has designated a local health department as its agent for issuing the license, the local health department may establish separate fees for pre-licensing inspections, which may be assessed in addition to the annual license fee. A pre-licensing inspection fee cannot exceed the local health department's reasonable costs of performing the inspection.

### 2019 SENATE BILL 106

The bill prohibits local health departments from establishing a fee for pre-licensing inspections of micro markets.

### SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 authorizes local health departments to, in any given year, collect either a pre-licensing inspection fee or an annual licensing fee. In either circumstance, the fee is \$40 for one micro market located in a building, or \$60 for two or more micro markets located in the same building.

The amendment also provides that a local health department must either: (1) conduct a pre-licensing inspection within two business days after the micro market submits an application for a retail food establishment license; or (2) issue a retail food establishment license to the micro market and inspect the micro market within one year after issuing the license.

### BILL HISTORY

Senate Substitute Amendment 1 was offered by Senator Petrowski on May 30, 2019. On September 11, 2019, the Senate Committee on Public Benefits, Licensing, and State-Federal Relations unanimously recommended adoption of the amendment and passage of the bill, as amended.

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