



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2015 Wisconsin Act 9**  
[2015 Assembly Bill 17]

**Renewal of Certifications of Food  
Protection Practices**

2015 Wisconsin Act 9 creates alternative criteria for renewing a certificate of food protection practices held by a certificate holder who operates or manages a restaurant that employs five or fewer food handlers.

### **PRIOR LAW**

Under prior law, unchanged by the Act, no person may conduct, maintain, manage or operate a restaurant<sup>1</sup> unless the operator or at least one manager of the restaurant holds a valid certificate of food protection practices. To obtain a certificate of food protection practices, a person typically must complete an examination approved by the Department of Health Services (DHS).<sup>2</sup>

A certificate of food protection practices is valid for five years from the date it is issued. To renew a certificate of food protection practices, prior law required all certificate holders to satisfactorily complete an examination that meets the same requirements that apply to an examination for initial certification. [s. 254.71, Stats.]

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<sup>1</sup> In this context, “restaurant” means any building, room, or place where meals are prepared or served or sold to transients or the general public, and all places used in connection with it, and includes any public or private school lunchroom for which food service is provided by contract. Certain taverns, churches, schools, bed and breakfasts, potluck events, and concession stands are specifically excluded from the definition. [s. 254.61 (5), Stats.]

<sup>2</sup> The City of Milwaukee may enforce an existing ordinance that establishes different criteria. [s. 66.0436 (3) (b), Stats.]

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

## **2015 WISCONSIN ACT 9**

Wisconsin Act 9 provides an alternative option for renewing a certificate of food protection practices held by an operator or manager of a restaurant employing five or fewer food handlers.<sup>3</sup> Specifically, the Act allows such a certificate holder to renew a certificate of food protection practices by completing a recertification training course approved by DHS.

The Act terms a certificate renewed under the alternative criteria a “licensure of food safety training for small operators.” Under the Act, such a certificate applies only in restaurants with five or fewer food handlers.

The Act requires DHS to approve recertification training courses that were approved as of December 31, 2014, and substantially similar courses.<sup>4</sup> In addition, the Act prohibits DHS from adopting different standards for regulation and inspection based on whether an operator has a “licensure of food safety training for small operators” or a general certificate of food protection practices.

*Effective date:* The Act applies retroactively to any application for renewal of a certificate of food protection practices submitted after January 1, 2015.

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<sup>3</sup> The Act defines “food handler” to mean an individual engaged in the preparation or processing of food at a restaurant and who is not a certificate holder.

<sup>4</sup> Prior to January 1, 2015, the effective date of 2013 Wisconsin Act 292, state law allowed a certificate holder to renew a certificate of food protection practices by satisfactorily completing an approved training course. Thus, the Wisconsin Food Code includes standards governing the approval of such training courses.