
Wisconsin Legislative Council

ACT MEMO



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2019 Wisconsin Act 51
[2019 Senate Bill 106]

**Pre-Licensing Inspections of
Micro Markets**

BACKGROUND

2019 Wisconsin Act 51 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).

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

2019 WISCONSIN ACT 51

The act modifies a local government's authority to perform and charge fees for pre-licensing inspections. Under the act, a local health department acting as DATCP's agent must either: (1) conduct a pre-licensing inspection within two days after the micro market submits an application for a retail food establishment license; or (2) issue a retail food establishment to the micro market and inspect the micro market within one year after issuing the license.

Also under the act, local health departments may, 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.

Effective date: November 24, 2019

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