



## 2013 SENATE BILL 445

December 16, 2013 - Introduced by Senators GUDEX, SCHULTZ, CARPENTER, LASSA, HARRIS, GROTHMAN, LAZICH and OLSEN, cosponsored by Representatives KOOYENGA, SANFELIPPO, KAHL, STRACHOTA, PRIDEMORE, RICHARDS, ZEPNICK, GOYKE and BIES. Referred to Energy, Consumer Protection, and Government Reform.

1     **AN ACT to renumber and amend 254.64 (5); to amend 97.30 (2) (a); and to**  
2     **create 97.30 (2) (am) and 254.64 (5) (b) of the statutes; relating to: issuance**  
3     **by a first class city of a license for a retail food establishment and a permit for**  
4     **a restaurant or bed and breakfast establishment.**

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### ***Analysis by the Legislative Reference Bureau***

Under current law, no person may operate a retail food establishment unless the person has a license issued by the Department of Agriculture, Trade and Consumer Protection (DATCP). Current law defines a retail food establishment to include a permanent or mobile food processing facility where food processing is conducted primarily for direct retail sale to consumers at the facility, but to exclude restaurants and other establishments holding a permit issued by the Department of Health Services (DHS). Each license issued to a retail food establishment under this requirement is valid for one year and must expire on June 30. Current law permits DATCP to enter into an agreement with a local health department having a jurisdictional population of 5,000 or more under which the local health department serves as DATCP's agent. Under such an agreement, the local health department may issue the required license.

This bill permits a local health department, located in a city of the first class (currently, only the city of Milwaukee) and that has entered into an agreement with DATCP to serve as DATCP's agent, to issue a license to a retail food establishment at any time during the year, and requires such a license to expire one year from the date of issuance.

**SENATE BILL 445**

Also under current law, no person may conduct, maintain, manage, or operate a restaurant or bed and breakfast establishment unless the person has a permit issued by DHS. Each permit issued to a restaurant or bed and breakfast establishment under this requirement is valid for one year and expires on June 30, except that permits initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year. Current law permits DHS to enter into an agreement with a local health department having a jurisdictional population of 5,000 or more under which the local health department serves as DHS's agent. Under such an agreement, the local health department may issue the required permit.

This bill permits a local health department, located in a city of the first class and that has entered into an agreement with DHS to serve as DHS's agent, to issue a permit to a restaurant or bed and breakfast establishment at any time during the year, and requires such a permit to expire one year from the date of issuance.

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

1           **SECTION 1.** 97.30 (2) (a) of the statutes is amended to read:

2           97.30 **(2)** (a) *Requirement.* Except as provided under par. (b), no person may  
3 operate a retail food establishment without a valid license issued by the department  
4 or an agent city or county. ~~Licenses~~ Except as provided in par. (am), licenses expire  
5 on June 30 annually. Each retail food establishment shall have a separate license.  
6 A license is not transferable between persons or establishments. Application for a  
7 license shall be made on a form provided by the department, or by the agent city or  
8 county, and be accompanied by the applicable fees required under sub. (3) or s. 97.41.  
9 An application shall indicate whether food processing is conducted at the  
10 establishment and shall specify the nature of any food processing activities. An  
11 application shall include other information reasonably required by the department,  
12 or by the agent city or county, for licensing purposes.

13           **SECTION 2.** 97.30 (2) (am) of the statutes is created to read:

**SENATE BILL 445**

1           97.30 (2) (am) *License issuance for a retail food establishment located in a city*  
2       *of the 1st class.* The local health department of a city of the 1st class that has entered  
3       into an agreement with the department under s. 97.41 (1m) may issue to a retail food  
4       establishment the license required under par. (a) at any time during the year. A  
5       license issued under this paragraph shall expire one year from the date of its  
6       issuance.

7           **SECTION 3.** 254.64 (5) of the statutes is renumbered 254.64 (5) (a) and amended  
8       to read:

9           254.64 (5) (a) ~~All Except as provided in par. (b), all permits~~ expire on June 30,  
10       except that permits initially issued during the period beginning on April 1 and  
11       ending on June 30 expire on June 30 of the following year.

12           **SECTION 4.** 254.64 (5) (b) of the statutes is created to read:

13           254.64 (5) (b) The local health department of a city of the 1st class that has  
14       entered into an agreement with the department under s. 254.69 (2) may issue to a  
15       restaurant or bed and breakfast establishment a permit required under this section  
16       at any time during the year. A permit issued under this paragraph shall expire one  
17       year from the date of its issuance.

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(END)