



1997 ASSEMBLY BILL 7

January 21, 1997 - Introduced by Representatives AINSWORTH, M. LEHMAN, ZUKOWSKI, JENSEN, HUEBSCH, SKINDRUD, WARD, SERATTI, HARS DORF, GOETSCH, OLSEN, GROTHMAN, LA FAVE and POWERS, cosponsored by Senators DRZEWIECKI, BUETTNER, RUDE and HUELSMAN. Referred to Committee on Small Business and Economic Development.

- 1 **AN ACT** *to amend* 254.61 (5) (c); and *to create* 254.61 (5) (cm) of the statutes;
2 **relating to:** changing the definition of a restaurant.

Analysis by the Legislative Reference Bureau

Under current law, restaurants in this state must, in order to operate, annually obtain a permit from the department of health and family services (DHFS) or a local health department to which DHFS has granted agent status. Restaurants are subject to inspection by DHFS or local health departments and must be licensed to serve alcohol beverages, and certain restaurants are subject to the regulation of smoking. A restaurant is defined to mean a building, room or place where meals are prepared, served or sold, including public or private school lunchrooms for which food service is provided by contract. Specific exceptions to this definition exist for taverns that serve certain free lunches; the occasional preparation, service or selling of meals by churches, religious, fraternal, youths' or patriotic organizations, service clubs and civic organizations; certain public or private school lunchrooms; bed and breakfast establishments; service of food or beverages through a licensed vending machine; and the selling of foods by a private individual from a movable or temporary stand at public farm sales.

This bill expands an exception to the definition of "restaurant" so as to except a private individual who sells food from a movable or temporary stand at an auction, rather than a public farm sale, that is for an estate or for the sale of the personal property, land, livestock, equipment and supplies of a farm owner or operator. The auction must be held at the estate or farm site.

