



2013 ASSEMBLY BILL 744

February 10, 2014 – Introduced by Representative NERISON, cosponsored by Senator COWLES. Referred to Committee on Agriculture.

1 **AN ACT to amend** 97.20 (2) (a), 97.27 (2), 97.29 (2) (a), 97.30 (2) (a) and 97.42 (2)
2 (a) of the statutes; **relating to:** licenses for new dairy plants, food warehouses,
3 food processing plants, retail food establishments, and meat establishments.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Agriculture, Trade and Consumer Protection issues annual licenses for dairy plants, food warehouses, food processing plants, retail food establishments, and meat establishments (places where animals are slaughtered for human consumption or where meat is processed). An applicant for a license must pay an annual license fee. There is a uniform expiration date for each kind of facility, for example, all dairy plant licenses expire on April 30. When a license is issued for a new facility during a license year, the license is valid only until the uniform expiration date, that is, for less than one year.

Under this bill, if a license for a new dairy plant, food warehouse, food processing plant, retail food establishment, or meat establishment is issued within three months of the uniform expiration date for the kind of facility, the license is valid until the uniform expiration date in the next calendar year, that is, for up to 15 months.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

ASSEMBLY BILL 744**SECTION 1**

1 **SECTION 1.** 97.20 (2) (a) of the statutes is amended to read:

2 97.20 (2) (a) *License requirement.* Except as provided in par. (e), no person,
3 including this state, may operate a dairy plant without a valid license issued by the
4 department for that dairy plant. A dairy plant license expires on April 30 annually
5 and, except that a license issued for a new dairy plant on or after January 30 but
6 before May 1 expires on April 30 of the following year. A dairy plant license is not
7 transferable between persons or locations.

8 **SECTION 2.** 97.27 (2) of the statutes is amended to read:

9 97.27 (2) LICENSE REQUIRED. No person may operate a food warehouse without
10 a valid license issued by the department for the food warehouse. A food warehouse
11 license expires on June 30 annually, except that a license issued for a new food
12 warehouse on or after March 30 but before July 1 expires on June 30 of the following
13 year. Every food warehouse shall have a separate license. A license is not
14 transferable between persons or food warehouse locations. Application for a license
15 shall be made on a form provided by the department and shall be accompanied by
16 applicable fees required under sub. (3). An application shall include information
17 reasonably required by the department for licensing purposes.

18 **SECTION 3.** 97.29 (2) (a) of the statutes is amended to read:

19 97.29 (2) (a) *Requirement.* Except as provided under par. (b), no person may
20 operate a food processing plant without a valid license issued by the department for
21 that food processing plant. A license expires on March 31 annually, except that a
22 license issued for a new food processing plant on or after January 1 but before April
23 1 expires on March 31 of the following year. Each food processing plant shall have
24 a separate license. A license is not transferable between persons or locations.
25 Application for a license shall be made on a form provided by the department and be

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1 accompanied by the applicable fees required under sub. (3). An applicant shall
2 identify the categories of food processing activities which the applicant proposes to
3 conduct at the food processing plant. An application shall include additional
4 information which may reasonably be required by the department for licensing
5 purposes.

6 **SECTION 4.** 97.30 (2) (a) of the statutes is amended to read:

7 97.30 (2) (a) *Requirement.* Except as provided under par. (b), no person may
8 operate a retail food establishment without a valid license issued by the department
9 or an agent city or county. Licenses expire on June 30 annually, except that a license
10 issued for a new retail food establishment on or after March 30 but before July 1
11 expires on June 30 of the following year. Each retail food establishment shall have
12 a separate license. A license is not transferable between persons or establishments.
13 Application for a license shall be made on a form provided by the department, or by
14 the agent city or county, and be accompanied by the applicable fees required under
15 sub. (3) or s. 97.41. An application shall indicate whether food processing is
16 conducted at the establishment and shall specify the nature of any food processing
17 activities. An application shall include other information reasonably required by the
18 department, or by the agent city or county, for licensing purposes.

19 **SECTION 5.** 97.42 (2) (a) of the statutes is amended to read:

20 97.42 (2) (a) No person may operate an establishment as defined in sub. (1) (d)
21 without a valid license issued by the department for each such establishment. That
22 license expires on June 30 annually, except that a license issued for a new
23 establishment on or after March 30 but before July 1 expires on June 30 of the
24 following year. No license may be issued unless the applicant has complied with the
25 requirements of this section. The annual license fee is \$200, except the annual

ASSEMBLY BILL 744**SECTION 5**

1 license fee shall be \$80 for those establishments engaged only in slaughtering
2 uninspected animals or poultry or processing uninspected meat as a custom service,
3 and not in other operations subject to a license under this section. No person may
4 be required to obtain a license under s. 97.29 or 97.30 for activities licensed under
5 this section or which is inspected under 21 USC 451 to 695.

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(END)