



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1383/1
MCP:skw

2023 ASSEMBLY BILL 5

February 6, 2023 – Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Tourism.

1 **AN ACT to amend** 93.07 (24) (e) and 97.67 (1); and **to create** 97.67 (1d) of the
2 statutes; **relating to:** the regulation of pools located at short-term rentals and
3 the partial suspension of rules promulgated by the Department of Agriculture,
4 Trade and Consumer Protection.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Agriculture, Trade and Consumer Protection is responsible for regulating public swimming pools.

This bill prohibits DATCP from regulating pools located at short-term rentals. Current law defines a “short-term rental” as “a residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days.”

This bill is introduced as required by s. 227.26 (2) (f) and (j), stats., in support of the action of the Joint Committee for Review of Administrative Rules in suspending a portion of s. ATCP 76.02 (1) (a), Wis. Adm. Code, rules of the Department of Agriculture, Trade and Consumer Protection on April 26, 2022. The suspended portion of the rule provides that a pool that serves a “tourist rooming house” qualifies as a “public pool” and is therefore subject to DATCP regulation.

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 5**SECTION 1**

1 **SECTION 1.** 93.07 (24) (e) of the statutes is amended to read:

2 93.07 **(24)** (e) To enforce the laws for the sanitary care of campgrounds and
3 camping resorts, recreational and educational camps, public swimming pools, hotels,
4 tourist rooming houses, vending machine commissaries, vending machines, and
5 other persons or entities subject to regulation by the department, but not including
6 pools that are located at short-term rentals, as defined in s. 66.0615 (1) (dk).

7 **SECTION 2.** 97.67 (1) of the statutes is amended to read:

8 97.67 **(1)** Except as provided in ~~sub.~~ subs. (1d) and (1g) and s. 93.135, the
9 department or a local health department granted agent status under s. 97.615 (2)
10 shall issue licenses to and regulate campgrounds and camping resorts, recreational
11 and educational camps and public swimming pools. No person or state or local
12 government who has not been issued a license under this section may conduct,
13 maintain, manage or operate a campground and camping resort, recreational camp
14 and educational camp or public swimming pool, as defined by departmental rule.

15 **SECTION 3.** 97.67 (1d) of the statutes is created to read:

16 97.67 **(1d)** The department may not regulate pools that are located at
17 short-term rentals, as defined in s. 66.0615 (1) (dk).

18

(END)