



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1338/1
SWB:kjf:rs

2015 SENATE BILL 12

January 28, 2015 – Introduced by Senator FARROW, cosponsored by Representative SWEARINGEN. Referred to Committee on Health and Human Services.

1 **AN ACT to renumber and amend** 254.71 (3); **to amend** 254.71 (6) (b); and **to**
2 **create** 254.71 (1g) (c) and 254.71 (3) (b) of the statutes; **relating to:** renewal
3 of a certificate of food protection practices for certificate holders that operate or
4 manage a restaurant employing five or fewer food handlers.

Analysis by the Legislative Reference Bureau

Under current law, effective January 1, 2015, no person may conduct, maintain, manage or operate a restaurant unless the operator or at least one manager of the restaurant holds a valid certificate of food protection practices (FPP certificate) issued by the Department of Health Services (DHS) or, in certain cases, a local health department. Under current law, again effective January 1, 2015, DHS may issue an FPP certificate to an individual who satisfactorily completes an approved examination or who has achieved comparable compliance. Certificates are valid for five years, and under current law, a certificate holder may renew the FPP certificate by satisfactorily completing an approved examination.

This bill creates an exception to the examination requirement for renewal of an FPP certificate. If a certificate holder operates or manages a restaurant employing five or fewer food handlers, the certificate holder has the option to renew by satisfactorily completing a recertification training course approved by DHS instead of an approved examination. The bill has a retroactive effective date of January 1, 2015, and provides that DHS must approve renewal applications for those certificate holders operating or managing a restaurant employing five or fewer food handlers that submitted renewal applications after January 1, 2015, and have been denied

SENATE BILL 12

renewal on the basis that they completed an approved recertification training course instead of an approved examination.

For further information see the *state and local* 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:

1 **SECTION 1.** 254.71 (1g) (c) of the statutes is created to read:

2 254.71 (1g) (c) "Food handler" means an individual engaged in the preparation
3 or processing of food at a restaurant and who is not a certificate holder.

4 **SECTION 2.** 254.71 (3) of the statutes is renumbered 254.71 (3) (intro.) and
5 amended to read:

6 254.71 (3) (intro.) Each certificate is valid for 5 years from the date of issuance
7 and, except as provided in s. 250.041, may be renewed by the certificate holder if he
8 or she satisfactorily completes all of the following:

9 (a) If he or she operates or manages a restaurant employing more than 5 food
10 handlers, an approved examination.

11 **SECTION 3.** 254.71 (3) (b) of the statutes is created to read:

12 254.71 (3) (b) If he or she operates or manages a restaurant employing 5 or
13 fewer food handlers, a recertification training course approved by the department or
14 an approved examination.

15 **SECTION 4.** 254.71 (6) (b) of the statutes is amended to read:

16 254.71 (6) (b) Specifying standards for approval of examinations and training
17 courses for recertification of food protection practices required under this section.

18 **SECTION 5. Nonstatutory provisions.**

19 (1) The department of health services shall renew a certificate of food protection
20 practices under section 254.71 of the statutes if all of the following apply:

SENATE BILL 12

1 (a) The certificate holder operates or manages a restaurant employing 5 or
2 fewer food handlers.

3 (b) On or after January 1, 2015, the certificate holder submitted an application
4 for a renewal of a certificate of food protection practices.

5 (c) The certificate holder submitted, in addition to the application form
6 submitted under paragraph (b), an official certificate indicating satisfactory
7 completion of a recertification training course approved by the department under
8 section 254.71, 2013 stats.

9 (d) The department denied the renewal only on the ground that the certificate
10 holder failed to successfully complete an approved examination.

11 (e) The certificate holder has submitted the required application fee. The
12 department shall apply any application fee paid by the certificate holder as part of
13 the application submitted under paragraph (b) toward the renewal of a certificate of
14 food protection practices.

15 **SECTION 6. Initial applicability.**

16 (1) This act first applies to an application for a renewal of a certificate of food
17 protection practices that is submitted on the effective date of this subsection.

18 **SECTION 7. Effective date.**

19 (1) This act takes effect retroactively on January 1, 2015.

20

(END)