Revisor's Note: This section is important. The definitions have been redrawn to more clearly reflect trade functions. The person who performs more than one function will have to obtain a permit for each. This is not clearly stated in the old law.

Any person who acquires unstamped cigarettes and stamps them (except for exempt sales) will have to get a distributor's permit even though he may also have to have another permit for other types of operations.

The definition of vending machine operator has been changed to eliminate the old exemption of persons operating less than 5 machines. [Bill 112-S]

Revisor's Note: Old s. 139.50 (3) and (33) restated. They overlapped and were confusing, and in some particulars conflicted. [Bill 112-S]

Revisor's Note: Old s. 139.51. It has been shortened and modernized. [Bill 112-S]

Revisor's Note: This is a restatement of old s. 139.51. It has been modernized. [Bill 112-S]

Revisor's Note: Since warehouse permits are combined with the other types, the warehouse permit fee is raised from $10 to $50 a year.

Revisor's Note: This makes it clear that permits are needed for each place of business and no permit is transferable.

Subsection (10) eliminates the old requirement that vending machine operators inform the department of the location of each machine and its number. This requirement was unworkable. [Bill 112-S]

Questions relating to the interpretation of § 139.50, Stats. 1969, as to persons required thereby to have a permit to purchase cigarette tax stamps, are considered and answered in 28 Atty. Gen. 637.

Revisor's Note: Old s. 139.30, Stats. 1939, is applicable to sales of cigarettes on boats on the Great Lakes while within the territorial boundaries of Wisconsin. 28 Atty. Gen. 283.

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CHAPTER 140.

Health Administration and Supervision.
to sec. 1, art. IV; on communicable diseases see notes to various sections of ch. 143; and on plumbing see notes to various sections of ch. 146.

The state board of health, or its employee or agent, is not protected in destroying property as a nuisance if in fact no nuisance exists. 22 Atty. Gen. 152.

The [state board of health] may make regulations requiring sanitary production of fluid milk, cream, skimmed milk and buttermilk if such regulations are reasonably necessary as a health measure or to prevent the spread of or to suppress communicable diseases, provided such rules are in aid of or supplemental to legislative standards and not in conflict therewith. Such rules may be enforced by inspectors employed by the department of agriculture, this arrangement being with the common consent of both departments. 37 Atty. Gen. 516.

The state board of health under 140.05 (1) and (3) and 143.02 (4); Stats. 1945, may promulgate reasonable minimum sanitary standards for summer camps if reasonably necessary as health measures or to prevent the spread of or to suppress communicable diseases, provided such rules are in the aid of or supplemental to legislative standards and not in conflict therewith. Such rules are to be adopted in issue and effect in accordance with the provisions of 140.20 (2) (a). 117 (1) (b), (e), (2) (a).

See notes to various sections of ch. 143; and on communicable diseases see notes to various sections of ch. 146.

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Local Health Officials.

140.76 History: 1945 c. 176; Stats. 1945 s. 140.76; 1969 c. 366 s. 117 (1) (a).

140.77 History: 1969 c. 146; Stats. 1969 s. 140.77.

CHAPTER 141.

Local Health Officials.

141.01 History: 1961 c. 563; Stats. 1961 s. 141.01; 1967 c. 240; 1969 c. 366 s. 117 (1) (a).

A health officer is not required to be a resident of the town for which he acts. 15 Att'y. Gen. 151.

141.015 History: 1961 c. 563; Stats. 1961 s. 141.015; 1969 c. 366 s. 117 (1) (a).

On exercises of police power see notes to sec. 1, art. I; on delegation of power see notes to sec. 1, art. IV; on municipal home rule see notes to sec. 3, art. XI; and on communicable diseases see notes to various sections of ch. 143.

The office of city health officer is incompatible with that of a member of the city school board. 30 Att'y. Gen. 462.

As a general rule the executive officer of a local board of health should not enter and make investigation to ascertain whether the law has been violated over the objection of the owner without an order from a court. 25 Att'y. Gen. 643.

141.02 History: 1969 c. 326 s. 107 to 113; Ann. Stats. 1965 s. 9250 sub. 107 to 112; 1969 s. 312 s. 33; Stats. 1969 s. 925-107 to 925-112; 1919 c. 435; 1919 s. 451 s. 8; 1919 c. 702 s. 56; Stats. 1919 s. 451—925-112m; 1919 c. 275 s. 271 to 281, 1921 c. 258; 1921 c. 590 s. 79; Stats. 1921 s. 1411; 1923 s. 440 s. 7; Stats. 1923 s. 141.02; 1947 c. 347; 1953 s. 141.04; 1961 s. 140.04.

A health officer is entitled, in addition to his annual salary, to his actual and necessary expenses incurred in the performance of his duties. 15 Att'y. Gen. 404.

141.04 History: 1917 c. 72; Stats. 1917 s. 141.04; 1923 c. 448 s. 9; Stats. 1925 s. 141.04; 1961 s. 563.

Under 141.04, Stats. 1967, towns and villages in a given county may jointly provide for "health services" where there is no existing county health department or county health commission, and such joint arrangement would not be affected by a subsequent adoption of a county health commission by that county. 57 Att'y. Gen. 245.