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Details:

(FORM UPDATED: 07/12/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Public Health
(AC-PH)**

COMMITTEE NOTICES ...

- *Committee Reports ... CR*
- *Executive Sessions ... ES*
- *Public Hearings ... PH*
- *Record of Comm. Proceedings ... RCP*

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- *Appointments ... Appt*
- *Clearinghouse Rules ... CRule*
- *Hearing Records ... bills and resolutions*
(ab = Assembly Bill) (ar = Assembly Resolution) (ajr = Assembly Joint Resolution)
(sb = Senate Bill) (sr = Senate Resolution) (sfr = Senate Joint Resolution)
- *Miscellaneous ... Misc*

Vote Record Committee on Public Health

Date: 10/19/05

Moved by: Underheim

Seconded by: Freese

AB 454 as amended SB _____

Clearinghouse Rule _____

AJR _____ SJR _____

Appointment _____

AR _____ SR _____

Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage
 Adoption
 Confirmation
 Concurrence
 Indefinite Postponement
 Introduction
 Rejection
 Tabling
 Nonconcurrence

Committee Member

Representative J.A. Hines, Chair

Aye No Absent Not Voting

Representative Gregg Underheim

Representative John Townsend

Representative Stephen Freese

Representative Terri McCormick

Representative Sheldon Wasserman

Representative Tamara Grigsby

Representative Charles Benedict

Totals:

8 0 _____ _____

Motion Carried

Motion Failed

Vote Record Committee on Public Health

Date: 10/19/05

Moved by: Townsend

Seconded by: Freese

AB 454 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt 1
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage Adoption Confirmation Concurrence Indefinite Postponement
 - Introduction Rejection Tabling Nonconcurrency

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative J.A. Hines, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Gregg Underheim	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative John Townsend	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Stephen Freese	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Terri McCormick	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sheldon Wasserman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Tamara Grigsby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Charles Benedict	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed



Testimony on Assembly Bill 454
Before the Assembly Committee on Public Health
By the Department of Health and Family Services
September 7, 2005

Good Afternoon, I am Herb Bostrom, Deputy Administrator in the Division of Public Health. Thank you for this opportunity to provide information on the AB 454 which expands the exceptions to the definition of "restaurant" under the public health laws to include potluck events.

Under the present food safety regulatory program, potlucks are not regulated by the DHFS or agent local public health departments. Restaurants are defined as places where meals are served to "transients or the general public." Potluck events are not regulated because they are most often restricted to members of a discrete organization, such as a church, service club, or civic organization.

When these types of organizations do offer meals to the general public, this is the manner in which they are regulated:

- Special organizations, including churches, fraternal organizations, and service clubs, may serve meals to the public up to 3 times per year with no restrictions whatsoever.
- If one of these organizations wishes to do more than 3, but no more than 12 public events in a year, public health requires that the group makes an investment into safer operating conditions- by ensuring one of their members learns about food safety, and by using a commercial kitchen to prepare the food. The difference is the requirement for equipment designed for safe preparation of commercial volumes of food - that is large, high-powered refrigerators and freezers, stainless steel preparation surfaces, and commercial cleaners and sanitizers.
- More than 12 events open to the public in a year put the organization into restaurant-like category, and therefore must obtain a restaurant license.
- On the other hand, if an organization meets periodically and they share food at their meetings, they are welcome to have as many potlucks at their meetings as they wish, with no regulations. This is because a club meeting is not a public event.

The language in AB 454 does not preclude potluck dinners from being open to the general public. It also includes taverns in the list of organizations for which potlucks would be exempt from regulation. This presents a potential scenario in which taverns without proper food preparation facilities, not licensed or equipped to serve food safely – and there are many of them in Wisconsin – could routinely hold a "potluck event" and serve food to the general public.

The Department of Health and Family Services has statutory responsibility to protect the health and safety of the public. In that role, we propose that the definition of potluck events contained in AB 454 be modified by removing "taverns" from the list of

organizations that are permitted to hold a "pot luck event" and thereby limiting participation to members or guests of churches; religious, fraternal, youth, or patriotic organizations or service clubs; civic organizations; parent-teacher organizations; senior citizen centers or organizations; or adult day care centers. Taverns should be removed from this definition because their business is directed to the general public.

Thank you.





Rep. J A Hines, Chair
Assembly Committee on Public Health
PO Box 8952
Madison WI 53708

September 7, 2005

RE: AB 454 Relating to Excepting Potluck Events From Restaurant Regulations

Dear Representative Hines and Committee Members,

The Wisconsin Environmental Health Association (WEHA) is the organization representing over 300 environmental health professionals working in the public and private sector in the State of Wisconsin. Our members are involved in activities aimed at reducing or eliminating a wide variety of known public health risks that exist in all communities across Wisconsin. Issues relating to food safety are of particular importance to our membership.

WEHA wishes to begin by noting that the statutes and administrative codes already exempt events like potluck dinners from licensing regulations if they are not open to the general public. Events such as office picnic potlucks, church potlucks and even funeral meals are not being regulated by the State or by city and county Public Health Departments that are agents of the state for food service regulation. Moreover, groups like fraternal organizations, civic organizations and churches are exempt from licensing and regulation even if they serve food to the general public if they sponsor the events on no more than 3 days per year. Therefore there is no fundamental need for this amendment to the statutes.

Be that as it may, we are very concerned about the provisions of the proposed rule that include taverns in the list of exempt groups that may sponsor potluck dinners. We first and foremost encourage the Public Health Committee to amend the rule to exclude taverns from the exemptions. In the alternative, the following issues need to be addressed in the rule.

1. The rule does not provide guidance on whether a facility like a tavern would be prohibited from providing the equipment and utensils used for holding, serving and eating the food. The rule should specify that all such holding, serving or eating utensils must be provided by the participants for events at taverns.
2. The rule does not specify how the leftover food brought into a tavern must be handled. The rule should specify that employees of the tavern must not assist with the handling or dispensing of the food and that all leftovers from this type of event must be removed by the participants at the conclusion of the event.
3. The rule does not differentiate between a tavern that has a valid restaurant license and one that does not. There is a cause for concern about the potential for mingling of unauthorized food with restaurant food, especially in the area of condiments, side dishes etc. The rule should specify the requirements for complete separation of the potluck event from any other food service such as by exclusion of the general public during the potluck event, and by exclusion of the potluck food from any areas used for licensed foodservice areas.
4. While it is unlikely that the majority of groups that are the intended beneficiaries of this rule will sponsor potlucks on regular occasions, facilities like taverns may discover an economic incentive to do so. This could easily have an adverse impact on restaurant operations at other taverns in the vicinity. It would be in the best interest of all parties involved to clearly establish a limit in the rule, such as not more than 1 per week for tavern facilities.

We are confident that organizations holding potlucks are earnest in their desire to follow the recommended procedures for heating and holding food at proper temperatures, handwashing, and other elements that are intrinsic to a safe and successful meal. WEHA and all public health agencies at the State and local level are eager to provide information and suggestions to individuals or groups that are planning an event, and encourage individuals or groups to contact their public health agencies.

Due to the considerations and concerns associated with the existing exemptions and proposed rule, WEHA believes the best course of action at this time is to advise against the adoption of AB 454. In the alternative WEHA strongly urges the committee to remove taverns from the exempt sponsors' list in the proposed s254.61(3m)(c). Finally, if AB 454 is deemed necessary and taverns are included in the rule, the changes we have offered need to be included in order to prevent future misunderstandings.

WEHA appreciates the opportunity to comment on this proposed regulation.

Respectfully submitted by James P. Clark, President





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OFFICE OF STATE REPRESENTATIVE BARBARA GRONEMUS**

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TO: ASSEMBLY COMMITTEE ON PUBLIC HEALTH
Representative J.A. Hines, Chairperson
Representative Greg Underheim, Vice-Chairperson
Members: Representative John Townsend, Steve Freese, Terri McCormick, Sheldon Wasserman,
Tamara Grigsby, and Chuck Benedict.

FROM: REPRESENTATIVE BARBARA GRONEMUS

DATE: OCTOBER 17, 2005

**RE: EXECUTIVE SESSION ON ASSEMBLY BILL 454, relating to excepting potluck events
from public health regulation of restaurants.
OCTOBER 19, 2005 - 10AM - 415 NORTHWEST, STATE CAPITOL**

It is my understanding from a conversation with Committee Clerk Carolyn Hughes that in an informal committee discussion of Assembly Bill 454 that it was the expressed sentiment that there was concern with the inclusion of taverns in the legislation.

To address this committee concern, I have had drafted and introduced LRBa1158/1 that deletes the word "tavern" from the bill. Attached is a copy for your review.

Your favorable recommendation for Passage of Assembly Bill 454, as amended, is requested.





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October 18, 2005

Representative J. A. Hines
Chairman – Assembly Committee on Public Health
Room 10 West, State Capitol
Madison, WI 53708

Mr. Chairman and Dear Doc:

First of all, my appreciation to you for scheduling Assembly Bill 454 relating to Potlucks for an Executive Session. I hope you and the members of the committee members have received the Memo I provided yesterday in regard to Assembly Amendment 1 I have introduced addressing the exclusion of taverns in the provisions of the bill. As stated and requested, I encourage a favorable recommendation for Passage by the committee.

In regard to Assembly Bill 453, relating the sale of unpasteurized milk, your Committee Clerk, Carolyn, shared with me some of the concerns you and members of the committee had and I wish to take this opportunity to share with you and committee members' actions I have taken to address those concerns:

1. The provisions of AB453 are too broad. I have introduced Assembly Substitute Amendment 1 to AB453 that restricts the sale of unpasteurized milk by Grade A dairy producers and consumers who are operating and purchasing under a program called Cow Share, or "...a consumer who holds ownership interest in the cow that produced the milk..."
2. The provision of AB453 relating to producer exemption from liability has been deleted in ASA1, and in concurrence with committee concerns replaced by the requirement that: "The producer provides to the consumer instructional materials concerning the safe handling and use of unpasteurized mile and products made from unpasteurized milk."
3. In consulting with the drafter of AB453, she has assured me that the concern with producers following and adhering to federal and state standards in herd health and milk production and handling is definitely covered by the provisions of the bill and ASA1 per the stated on page 3 relating to 97.24(2m) (a) (b)(c).
4. In addition, I have been assured by the drafter that any concern with the placement of the Warning Label is covered by 97.24(2m) (g).
5. As to containers, after consulting with producers, consumers, and the drafter, it was the consensus that 97.24(2m) (e) addresses and affirmatively covers this matter.

-2-

Rep. J.A. Hines

RE: AB453

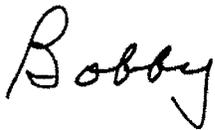
10-18-02

Page Two.

With the noted assurances and clarifications pertaining to concerns of you and committee members of AB453, I request your sincere and serious consideration to scheduling Assembly Bill 453 for an Executive Session by the Assembly Committee on Public Health.

If you, any committee members, or Committee Clerk wish to discuss Assembly Bill 453 as presented in ASA 1 and the aforementioned points of #3, #4, and #5 in the previous paragraph, please let me know and I'd be pleased to make such an accommodation.

Sincerely,

A handwritten signature in cursive script that reads "Bobby".

BARBARA GRONEMUS
State Representative
91st Assembly District

BG/wrc
C: Members Assembly Committee on Public Health