



## 2009 ASSEMBLY BILL 414

September 4, 2009 – Introduced by Representatives RICHARDS, PETROWSKI, BERNARD SCHABER and TOWNSEND, cosponsored by Senators RISSER, HOPPER and TAYLOR. Referred to Committee on Public Health.

1 AN ACT *to repeal* 254.71 (6) (b); and *to amend* 254.71 (3) of the statutes;  
2 relating to: requirements for a certificate of food protection practices and  
3 providing an exemption from emergency rule procedures.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a person must have a certificate of food protection practices to manage or operate a restaurant. A person must pass a written examination that is approved by the Department of Health Services (DHS), or achieve comparable compliance, to obtain a certificate. A certificate is valid for five years and may be renewed upon satisfactory completion of a recertification training course that is approved by DHS.

This bill requires that a person pass a written examination on food protection practices that is approved by DHS to renew a certificate of food protection practices. The bill also authorizes DHS to promulgate an emergency rule establishing criteria for approving an examination for certificate renewal without providing evidence that an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and without making a finding of emergency.

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

4 SECTION 1. 254.71 (3) of the statutes is amended to read:

**ASSEMBLY BILL 414****SECTION 1**

1           254.71 (3) Each certificate is valid for 5 years from the date of issuance and,  
2           except as provided in s. 250.041, may be renewed by the holder of the certificate if  
3           he or she satisfactorily completes a ~~recertification training course~~ written  
4           examination that is approved by the department and demonstrates the individual's  
5           basic knowledge of food protection practices.

6           **SECTION 2.** 254.71 (6) (b) of the statutes is repealed.

7           **SECTION 3. Nonstatutory provisions.**

8           (1) Using the procedure under section 227.24 of the statutes, the department  
9           of health services may promulgate rules establishing criteria for approval of an  
10          examination that is required for renewal of a certificate of food protection practices  
11          under section 254.71 (3) of the statutes, as affected by this act, for the period before  
12          the effective date of any permanent rule establishing criteria for approval of an  
13          examination. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes,  
14          the department is not required to provide evidence that promulgating a rule under  
15          this subsection as an emergency rule is necessary for the preservation of the public  
16          peace, health, safety, or welfare and is not required to provide a finding of emergency  
17          for a rule promulgated under this subsection.

18          **SECTION 4. Effective date.**

19          (1) This act takes effect on first day of the 7th month beginning after  
20          publication.

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(END)