

**2009 DRAFTING REQUEST**

**Bill**

Received: **03/19/2009**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Jon Richards (608) 266-0650**

By/Representing: **Jeff Kostelic**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**

Extra Copies: **TJD**

Submit via email: **YES**

Requester's email: **Rep.Richards@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Food protection practices certificate

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	rryan 04/16/2009	kfollett 04/21/2009	phenry 04/21/2009	_____	sbasford 04/21/2009	lparisi 04/29/2009	
/2	rryan 07/03/2009	kfollett 07/06/2009	mduchek 07/06/2009	_____	sbasford 07/06/2009	sbasford 07/06/2009	

FE Sent For:

*None*

<END>

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WD  
7/6  
MPS  
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/?	rryan	1/1 kjf 4/1/21	4 br ph	4 br ph/mj			

FE Sent For:

<END>

## Ryan, Robin

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**From:** Kostelic, Jeff  
**Sent:** Thursday, March 19, 2009 3:28 PM  
**To:** Ryan, Robin  
**Subject:** Certification of food handlers

Robin,

I'm not sure if this is in your issue area because it transcends the boundaries of health, employment, licensing and consumer protection.

Rep. Richards would like to change state statute to require that those seeking renewal of a state food protection practices certificate pass an examination rather than just attend a specified number of instruction hours, as provided under current law. The City of Milwaukee adopted similar language in Ordinance 080867. Following is the applicable excerpt:

2.5 Recertification. As provide in s. 254.71, Wis. Stats., each certificate issued by the Wisconsin Department of Health Services upon a satisfactory completion of a written examination, approved the Department, shall be valid for 5 years from the date of issuance and, except as provided in s. 250.041, Wis Stats., **may be renewed by the certificate holder if he or she satisfactorily passes a Conference for Food Protection - accredited examination.** (emphasis added)

Let me know if you need further clarification, additional information or if this is not your issue area.

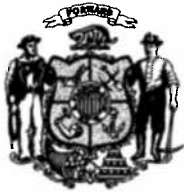
Thank you for your help with this request.

Jeff Kostelic  
Office of Rep. Jon Richards  
266-0650

HFS 196 Appendix

defines "Accredited examination program" - reference conference of Food Protection

ch 12 of appendix include persuasive criteria for DHS approval of exam on food protection practices



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-24132

RLR:...

In 4/16/09

RMA

D-W

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Gen

1 **AN ACT ...; relating to:** requirements for a certificate of food protection practices.

***Analysis by the Legislative Reference Bureau***

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

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

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

1           **SECTION 2.** 254.71 (6) (b) <sup>4</sup>of the statutes is repealed.

2           **SECTION 3. Effective date.**

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

5   **(END)**

*D-Note*

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2413/1dn  
RLR...

gf

Date

Jeff Kostelic:

Current law s. 254.71 (2) provides that a person must pass a written examination or achieve "comparable compliance" to obtain a certificate of food protection practices. This bill requires that a person pass a written examination to renew a certificate. Thus, under the bill, a person may obtain a certificate without passing an examination, but must pass the examination for renewal. Is this ok? Do you want to repeal the language allowing "comparable compliance" for initially obtaining a certificate?

X The bill includes a delayed effective date.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.wisconsin.gov



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2413/1dn  
RLR:kjf:ph

April 21, 2009

Jeff Kostelic:

Current law s. 254.71 (2) provides that a person must pass a written examination or achieve "comparable compliance" to obtain a certificate of food protection practices. This bill requires that a person pass a written examination to renew a certificate. Thus, under the bill, a person may obtain a certificate without passing an examination, but must pass the examination for renewal. Is this ok? Do you want to repeal the language allowing "comparable compliance" for initially obtaining a certificate?

The bill includes a delayed effective date.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.wisconsin.gov

**Parisi, Lori**

---

**From:** Vander Meer, John

**Sent:** Wednesday, April 29, 2009 4:06 PM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 07-2413/1 Topic: Annexation of property into public inland lake districts

Please Jacket LRB 07-2413/1 for the ASSEMBLY.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

7/2/09

Jeff - redraft LRB-2413/1  
to grant DHS emergency  
rule making authority for  
content of S test



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-24134

RLR:kjf:ph

In 7/3/09

2009 BILL

RMR  
D-N

and providing an exemption from emergency rule procedures

Regen

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.

**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.

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6 he or she satisfactorily completes a ~~recertification training course~~ written

In A

**BILL**

**SECTION 1**

1 examination that is approved by the department and demonstrates the individual's  
2 basic knowledge of food protection practices.

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

INS → 4 **SECTION 3. Effective date.**

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

7 (END)

D-Note

**Ins A:**

no ff 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.

**SECTION 1. Nonstatutory provisions.**

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

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2413/2dn

RLR:...

lgf

Date

Jeff Kostelic:

X This redraft authorizes DHS to promulgate an emergency rule establishing criteria for approving an examination for renewal of a food protection practices certificate without providing evidence that an emergency rule is necessary and without making a finding of emergency. Please note that the DHS rules for restaurants already establish criteria for approval of a written examination on food protection practices. See DHS 196 Appendix (Wisconsin Food Code) 12-301.11. The rule on examination criteria does not specify that it applies only to an examination for initial certification, so it may also apply to an examination for renewal.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2413/2dn  
RLR:kjf:md

July 6, 2009

Jeff Kostelic:

This redraft authorizes DHS to promulgate an emergency rule establishing criteria for approving an examination for renewal of a food protection practices certificate without providing evidence that an emergency rule is necessary and without making a finding of emergency. Please note that DHS rules for restaurants already establish criteria for approval of a written examination on food protection practices. See DHS 196 Appendix (Wisconsin Food Code) 12-301.11. The rule on examination criteria does not specify that it applies only to an examination for initial certification, so it may also apply to an examination for renewal.

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