

**2013 DRAFTING REQUEST**

**Bill**

Received: 11/25/2013 Received By: tkuczens  
Wanted: As time permits Same as LRB:  
For: Richard Gudex (608) 266-5300 By/Representing: Lance Burri  
May Contact: Drafter: tkuczens  
Subject: Agriculture - food safety Addl. Drafters: mduchek  
Health - miscellaneous  
Extra Copies: ret

Submit via email: YES  
Requester's email: Sen.Gudex@legis.wisconsin.gov  
Carbon copy (CC) to: tracy.kuczenski@legis.wisconsin.gov  
tamara.dodge@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Licensure of food establishments

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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>
/?	tkuczens 11/25/2013	jdyer 11/25/2013		_____			
/1			rschluet 11/25/2013	_____	sbasford 11/25/2013	srose 11/25/2013	

FE Sent For:

None  
needed

<END>

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FE Sent For:

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/?	tkuczens	11/25 jld	jd		_____		

FE Sent For:

<END>

**Kuczenski, Tracy**

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**From:** Burri, Lance  
**Sent:** Monday, November 25, 2013 9:59 AM  
**To:** Kuczenski, Tracy; Geary, Rachel  
**Cc:** Duchek, Michael  
**Subject:** RE: LRB 3337

Yep.

Lance Burri  
Office of Sen. Rick Gudex  
608-266-5300

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**From:** Kuczenski, Tracy  
**Sent:** Monday, November 25, 2013 9:56 AM  
**To:** Burri, Lance; Geary, Rachel  
**Cc:** Duchek, Michael  
**Subject:** RE: LRB 3337

Hi Lance and Rachel.

Mike and I will prepare a companion draft for Sen. Gudex. Should I assume no changes are necessary?

Thanks,  
Tracy

Tracy K. Kuczenski  
*Senior Legislative Attorney*  
Wisconsin Legislative Reference Bureau  
[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

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**From:** Burri, Lance  
**Sent:** Monday, November 25, 2013 9:54 AM  
**To:** Geary, Rachel; Kuczenski, Tracy  
**Subject:** RE: LRB 3337

Hi Tracy. And then we'd like to have a Senate version drafted.

Lance Burri  
Office of Sen. Rick Gudex  
608-266-5300

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**From:** Geary, Rachel  
**Sent:** Monday, November 25, 2013 9:53 AM  
**To:** Kuczenski, Tracy  
**Cc:** Burri, Lance  
**Subject:** RE: LRB 3337

Hi Tracy

Our office would like to give permission to Senator Gudex's office to work with you on LRB 3337/2. Senator Gudex is the Senate lead on the legislation.

Thank you!

Rachel Geary  
Legislative Assisant  
State Representative Dale Kooyenga  
14<sup>th</sup> Assembly District  
608.266.9181  
[Rachel.Geary@legis.wi.gov](mailto:Rachel.Geary@legis.wi.gov)

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**From:** Burri, Lance  
**Sent:** Monday, November 25, 2013 9:51 AM  
**To:** Geary, Rachel  
**Cc:** Kuczenski, Tracy  
**Subject:** RE: LRB 3337

Rachel, would you email the drafter (Tracy Kuczenski, I think) and give her permission to discuss the bill with us? I cc'd her on here.

Lance Burri  
Office of Sen. Rick Gudex  
608-266-5300

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**From:** Geary, Rachel  
**Sent:** Thursday, November 21, 2013 4:02 PM  
**To:** Burri, Lance  
**Subject:** LRB 3337

Hi Lance

Bill wanted me to let you know that we are ready to go with LRB 3337 when you are.

Thanks!

Rachel Geary  
Legislative Assisant  
State Representative Dale Kooyenga  
14<sup>th</sup> Assembly District  
608.266.9181  
[Rachel.Geary@legis.wi.gov](mailto:Rachel.Geary@legis.wi.gov)



State of Wisconsin  
2013 - 2014 LEGISLATURE

3713/1

LRB-33872  
TKK&MED:jld:rs  
RMNR  
Keep

2013 BILL

11/25/13

No changes

Today

4

Regen

1 AN ACT *to renumber and amend* 254.64 (5); *to amend* 97.30 (2) (a); and *to*  
2 *create* 97.30 (2) (am) and 254.64 (5) (b) of the statutes; **relating to:** issuance  
3 by a first class city of a license for a retail food establishment and a permit for  
4 a restaurant or bed and breakfast establishment.

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

Under current law, no person may operate a retail food establishment unless the person has a license issued by the Department of Agriculture, Trade and Consumer Protection (DATCP). Current law defines a retail food establishment to include a permanent or mobile food processing facility where food processing is conducted primarily for direct retail sale to consumers at the facility, but to exclude restaurants and other establishments holding a permit issued by the Department of Health Services (DHS). Each license issued to a retail food establishment under this requirement is valid for one year and must expire on June 30. Current law permits DATCP to enter into an agreement with a local health department having a jurisdictional population of 5,000 or more under which the local health department serves as DATCP's agent. Under such an agreement, the local health department may issue the required license.

This bill permits a local health department, located in a city of the first class (currently, only the city of Milwaukee) and that has entered into an agreement with DATCP to serve as DATCP's agent, to issue a license to a retail food establishment at any time during the year, and requires such a license to expire one year from the date of issuance.



**BILL**

Also under current law, no person may conduct, maintain, manage, or operate a restaurant or bed and breakfast establishment unless the person has a permit issued by DHS. Each permit issued to a restaurant or bed and breakfast establishment under this requirement is valid for one year and expires on June 30, except that permits initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year. Current law permits DHS to enter into an agreement with a local health department having a jurisdictional population of 5,000 or more under which the local health department serves as DHS's agent. Under such an agreement, the local health department may issue the required permit.

This bill permits a local health department, located in a city of the first class and that has entered into an agreement with DHS to serve as DHS's agent, to issue a permit to a restaurant or bed and breakfast establishment at any time during the year, and requires such a permit to expire one year from the date of issuance.

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

1           **SECTION 1.** 97.30 (2) (a) of the statutes is amended to read:

2           97.30 (2) (a) *Requirement.* Except as provided under par. (b), no person may  
3 operate a retail food establishment without a valid license issued by the department  
4 or an agent city or county. ~~Licenses~~ Except as provided in par. (am), licenses expire  
5 on June 30 annually. Each retail food establishment shall have a separate license.  
6 A license is not transferable between persons or establishments. Application for a  
7 license shall be made on a form provided by the department, or by the agent city or  
8 county, and be accompanied by the applicable fees required under sub. (3) or s. 97.41.  
9 An application shall indicate whether food processing is conducted at the  
10 establishment and shall specify the nature of any food processing activities. An  
11 application shall include other information reasonably required by the department,  
12 or by the agent city or county, for licensing purposes.

13           **SECTION 2.** 97.30 (2) (am) of the statutes is created to read:

**BILL**

1           97.30 (2) (am) *License issuance for a retail food establishment located in a city*  
2 *of the 1st class.* The local health department of a city of the 1st class that has entered  
3 into an agreement with the department under s. 97.41 (1m) may issue to a retail food  
4 establishment the license required under par. (a) at any time during the year. A  
5 license issued under this paragraph shall expire one year from the date of its  
6 issuance.

7           **SECTION 3.** 254.64 (5) of the statutes is renumbered 254.64 (5) (a) and amended  
8 to read:

9           254.64 (5) (a) All Except as provided in par. (b), all permits expire on June 30,  
10 except that permits initially issued during the period beginning on April 1 and  
11 ending on June 30 expire on June 30 of the following year.

12           **SECTION 4.** 254.64 (5) (b) of the statutes is created to read:

13           254.64 (5) (b) The local health department of a city of the 1st class that has  
14 entered into an agreement with the department under s. 254.69 (2) may issue to a  
15 restaurant or bed and breakfast establishment a permit required under this section  
16 at any time during the year. A permit issued under this paragraph shall expire one  
17 year from the date of its issuance.

18           **(END)**

**Parisi, Lori**

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**From:** Burri, Lance  
**Sent:** Monday, November 25, 2013 10:47 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -3713/1 Topic: Licensure of food establishments

Please Jacket LRB -3713/1 for the SENATE.