

State of Wisconsin



2013 Senate Bill 434

Date of enactment: April 16, 2014
Date of publication*: April 17, 2014

2013 WISCONSIN ACT 292

AN ACT *to renumber and amend* 254.71 (1); *to amend* 254.71 (2), 254.71 (3) and 254.71 (6) (b); and *to create* 66.0436 and 254.71 (1g) of the statutes; **relating to:** requirements and local ordinances related to certificates of food protection practices.

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

SECTION 1. 66.0436 of the statutes is created to read:
66.0436 Certificates of food protection practices for restaurants. (1) In this section, "restaurant" has the meaning given in s. 254.61 (5).

(2) No city, village, town, or county may enact an ordinance requiring a restaurant, a person who holds a permit for a restaurant, or a person who conducts, maintains, manages, or operates a restaurant to satisfy a requirement related to the issuance or possession of a certificate of food protection practices that is not found under s. 254.71.

(3) (a) Except as provided in par. (b), if a city, village, town, or county has in effect on January 1, 2015, an ordinance that the city, village, town, or county is prohibited from enacting under sub. (2), the ordinance does not apply and may not be enforced.

(b) Paragraph (a) does not apply to an ordinance of a 1st class city that was in effect on March 20, 2014.

SECTION 2. 254.71 (1) of the statutes is renumbered 254.71 (1r) and amended to read:

254.71 (1r) After January 1, 1995, no person may conduct, maintain, manage or operate a restaurant unless the operator or manager of the restaurant holds a current,

valid certificate of food protection practices issued by the department is a certificate holder.

SECTION 3. 254.71 (1g) of the statutes is created to read:

254.71 (1g) In this section:

(a) "Approved examination" means an examination that allows an individual to demonstrate basic knowledge of food protection practices and that is approved by the department as meeting the standards established under sub. (6) (b).

(b) "Certificate holder" means an individual who holds a valid certificate of food protection practices issued under this section.

SECTION 4. 254.71 (2) of the statutes is amended to read:

254.71 (2) Except as provided in s. 250.041, the department may issue a certificate of food protection practices to an individual who satisfactorily completes a written an approved examination, ~~approved by the department, that demonstrates the individual's basic knowledge of food protection practices~~ or who has achieved comparable compliance.

SECTION 5. 254.71 (3) of the statutes is amended to read:

254.71 (3) Each certificate is valid for 5 years from the date of issuance and, except as provided in s. 250.041,

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

may be renewed by the ~~holder of the certificate~~ holder if he or she satisfactorily completes ~~a recertification training course approved by the department~~ an approved examination.

SECTION 6. 254.71 (6) (b) of the statutes is amended to read:

254.71 (6) (b) Specifying standards for approval of ~~training courses for recertification of food protection practices~~ examinations required under this section.

SECTION 7. Initial applicability.

(1) The treatment of section 254.71 (2) of the statutes first applies to an application for a certificate of food protection practices that is submitted on the effective date of this subsection.

(2) The treatment of section 254.71 (3) of the statutes first applies to an application for a renewal of a certificate of food protection practices that is submitted on the effective date of this subsection.

SECTION 8. Effective date.

(1) This act takes effect on January 1, 2015.
