



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 434**

March 20, 2014 – Offered by Representatives THIESFELDT and SCHRAA.

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

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

5 **SECTION 1.** 66.0436 of the statutes is created to read:

6 **66.0436 Certificates of food protection practices for restaurants. (1)**

7 In this section, “restaurant” has the meaning given in s. 254.61 (5).

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

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

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

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

9 **254.71 (1r)** After January 1, 1995, no person may conduct, maintain, manage
10 or operate a restaurant unless the operator or manager of the restaurant holds a
11 ~~current, valid certificate of food protection practices issued by the department~~ is a
12 certificate holder.

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

14 **254.71 (1g)** In this section:

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

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

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

21 **254.71 (2)** Except as provided in s. 250.041, the department may issue a
22 certificate of food protection practices to an individual who satisfactorily completes
23 ~~a written an approved examination, approved by the department, that demonstrates~~
24 ~~the individual’s basic knowledge of food protection practices~~ or who has achieved
25 comparable compliance.

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

2 254.71 (3) Each certificate is valid for 5 years from the date of issuance and,
3 except as provided in s. 250.041, may be renewed by the ~~holder of the certificate~~
4 holder if he or she satisfactorily completes ~~a recertification training course approved~~
5 ~~by the department~~ an approved examination.

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

7 254.71 (6) (b) Specifying standards for approval of ~~training courses for~~
8 ~~recertification of food protection practices~~ examinations required under this section.

9 **SECTION 7. Initial applicability.**

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

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

16 **SECTION 8. Effective date.**

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

18

(END)