



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 298
[2013 Assembly Bill 589]

**Licenses and Permits for
Restaurants and Retail Food and
Bed and Breakfast Establishments**

In Wisconsin, retail food establishments are generally licensed by the Department of Agriculture, Trade and Consumer Protection (DATCP), except that the department may approve a city or county to serve as the department's agent in issuing such licenses. Similarly, DATCP issues permits for restaurants and bed and breakfast establishments, but the department may approve a local health department to serve as the department's agent in issuing such permits.

2013 Wisconsin Act 298 authorizes a local health department of a first-class city (currently only Milwaukee) to enter into an agreement with DATCP to serve as DATCP's agent in issuing retail food establishment licenses. Whereas such licenses generally expire on June 30 each year, the Act authorizes a health department in a first-class city to issue a permit at any time during the year and specifies that a retail food establishment license issued by the health department expires one year from the date that the license is issued. The Act also authorizes the health department to extend the term of a retail food establishment license it issues in order to align the term of that license with the annual term of any other license or permit it issues to an individual establishment. In such cases, the Act authorizes the health department to require a prorated fee to cover the cost of the license during the extension.

With respect to permits for restaurants and bed and breakfast establishments, the Act similarly authorizes a health department of a first-class city to issue a permit at any time of year. As it does with respect to licenses for retail food establishments, the Act specifies that such permits expire one year from their date of issuance. The Act also authorizes the health department of a first-class city to extend the duration of such permits and require associated prorated fees to align the license term with the annual term of any other license or permit issued to that permit holder.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

One East Main Street, Suite 401 • P.O. Box 2536 • Madison, WI 53701-2536
(608) 266-1304 • Fax: (608) 266-3830 • Email: leg.council@legis.wisconsin.gov
<http://www.legis.wisconsin.gov/lc>

(OVER)

Effective date: April 18, 2014.

Prepared by: Anna Henning, Staff Attorney

May 6, 2014

AH:jb;ty