



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0602/P5
SWB/TJD/RCT:eev&jld:jf

DOA:.....Byrnes, BB0213 - Transfer food safety and recreational license regulation authority from DHS to DATCP

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

The bill transfers oversight of restaurants, lodging, and recreation from DHS, which currently regulates those areas, to DATCP.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.115 (1) (gb) of the statutes is amended to read:

3 20.115 (1) (gb) *Food regulation, lodging, and recreation.* The amounts in the
4 schedule for the regulation of food, lodging, and recreation under chs. 93, 97 and 98.

5 All moneys received under ss. 93.06 (1r) and (1w), 93.09, 93.11, 93.12, 97.17, 97.175,

SECTION 1

1 97.20, 97.21, 97.22, 97.24, 97.27, 97.29, 97.30 (3) (a), (b) and (c), 97.41, 97.60 to
2 97.653, 97.67, 98.145 and 98.146 for the regulation of food, lodging, and recreation
3 shall be credited to this appropriation.

4 **SECTION 2.** 20.435 (1) (gm) of the statutes, as affected by 2015 Wisconsin Act
5 ... (this act), is amended to read:

6 20.435 (1) (gm) *Licensing, review and certifying activities; fees; supplies and*
7 *services.* The amounts in the schedule for the purposes specified in ss. 253.12,
8 254.176, 254.178, 254.179, 254.20 (5) and (8), 254.31 to 254.39, 254.41, ~~254.47,~~
9 ~~254.61 to 254.88,~~ 255.08 (2), and 256.15 (8), ch. 69, for the purchase and distribution
10 of medical supplies, and to analyze and provide data under s. 250.04. All moneys
11 received under ss. 250.04 (3m), 254.176, 254.178, 254.181, 254.20 (5) and (8), 254.31
12 to 254.39, 254.41, ~~254.47, 254.61 to 254.88,~~ 255.08 (2) (b), and 256.15 (5) (f) and (8)
13 (d) and ch. 69, other than s. 69.22 (1m), and as reimbursement for medical supplies
14 shall be credited to this appropriation account.

****NOTE: This is reconciled s. 20.435 (1) (gm). This SECTION has been affected by
drafts with the following LRB numbers: -602/P3 and -0807/P5.

15 **SECTION 3.** 29.541 (1) (a) (intro.) of the statutes is amended to read:

16 29.541 (1) (a) (intro.) Except as authorized under s. 29.934 (2) or ~~254.715~~
17 ~~97.305~~, no innkeeper, manager or steward of any restaurant, club, hotel, boarding
18 house, tavern, logging camp or mining camp may sell, barter, serve or give, or cause
19 to be sold, bartered, served or given, to its guests or boarders any of the following:

20 **SECTION 4.** 45.44 (1) (a) 14. of the statutes, as affected by 2015 Wisconsin Act
21 (this act), is amended to read:

22 45.44 (1) (a) 14. A license, certification, certification card, or permit issued
23 under ~~s. ss. 97.33,~~ 254.176, 254.178, 254.20, ~~254.71,~~ and 256.15.

****NOTE: This is reconciled s. 45.44 (1) (a) 14. This SECTION has been affected by drafts with the following LRB numbers: -0602/P3 and -0807/P5.

1 **SECTION 5.** 49.857 (1) (d) 4. of the statutes, as affected by 2015 Wisconsin Act
2 (this act), is amended to read:

3 49.857 (1) (d) 4. A certification, license, training permit, registration, approval
4 or certificate issued under s. 49.45 (2) (a) 11., 97.33, 97.605 (1) (a) or (b), 97.67 (1),
5 254.176 (1) or (3) (a), 254.178 (2) (a), 254.20 (2), (3) or (4), 254.47 (1), 254.64 (1) (a)
6 or (b), 254.71 (2), or 256.15 (5) (a) or (b), (6g) (a), or (8) (a).

****NOTE: This is reconciled s. 49.857 (1) (d) 4. This SECTION has been affected by drafts with the following LRB numbers: -0602/P3 and -0807/P5.

7 **SECTION 6.** 66.0417 (1) of the statutes is amended to read:

8 66.0417 (1) An employee or agent of a local health department designated by
9 ~~the department of health services under s. 254.69 (2) or the department of~~
10 agriculture, trade and consumer protection under s. 97.41 or 97.615 (2) may enter,
11 at reasonable hours, any premises for which the local health department issues a
12 permit license under s. 97.41 or ~~254.69 (2)~~ 97.615 (2) to inspect the premises, secure
13 samples or specimens, examine and copy relevant documents and records, or obtain
14 photographic or other evidence needed to enforce ~~subch. VII of ch. 254, ch. 97 or s.~~
15 254.47, relating to those premises. If samples of food are taken, the local health
16 department shall pay or offer to pay the market value of those samples. The local
17 health department, ~~department of health services or department of agriculture,~~
18 trade and consumer protection shall examine the samples and specimens secured
19 and shall conduct other inspections and examinations needed to determine whether
20 there is a violation of ~~subch. VII of ch. 254, ch. 97 or s. 254.47,~~ rules adopted by the
21 departments department under those statutes, ordinances adopted by the village,

1 city or county or regulations adopted by the local board of health under s. 97.41 (7)
2 or ~~254.69~~ 97.615.

3 SECTION 7. 66.0417 (2) of the statutes is amended to read:

4 66.0417 (2) (a) Whenever, as a result of an examination, a village, city or county
5 has reasonable cause to believe that any examined food constitutes, or that any
6 construction, sanitary condition, operation or method of operation of the premises or
7 equipment used on the premises creates an immediate danger to health, the
8 administrator of the village, city or county agency responsible for the village's, city's
9 or county's agent functions under s. 97.41 or ~~254.69 (2)~~ 97.615 (2) may issue a
10 temporary order and cause it to be delivered to the ~~permittee~~ licensee, or to the owner
11 or custodian of the food, or to both. The order may prohibit the sale or movement of
12 the food for any purpose, prohibit the continued operation or method of operation of
13 specific equipment, require the premises to cease any other operation or method of
14 operation which creates the immediate danger to health, or set forth any
15 combination of these requirements. The administrator may order the cessation of
16 all operations authorized by the ~~permit~~ license only if a more limited order does not
17 remove the immediate danger to health. Except as provided in par. (c), no temporary
18 order is effective for longer than 14 days from the time of its delivery, but a temporary
19 order may be reissued for one additional 14-day period, if necessary to complete the
20 analysis or examination of samples, specimens or other evidence.

21 (b) No food described in a temporary order issued and delivered under par. (a)
22 may be sold or moved and no operation or method of operation prohibited by the
23 temporary order may be resumed without the approval of the village, city or county,
24 until the order has terminated or the time period specified in par. (a) has run out,
25 whichever occurs first. If the village, city or county, upon completed analysis and

1 examination, determines that the food, construction, sanitary condition, operation
2 or method of operation of the premises or equipment does not constitute an
3 immediate danger to health, the ~~permittee~~ licensee, owner, or custodian of the food
4 or premises shall be promptly notified in writing and the temporary order shall
5 terminate upon his or her receipt of the written notice.

6 (c) If the analysis or examination shows that the food, construction, sanitary
7 condition, operation or method of operation of the premises or equipment constitutes
8 an immediate danger to health, the ~~permittee~~ licensee, owner, or custodian shall be
9 notified within the effective period of the temporary order issued under par. (a).
10 Upon receipt of the notice, the temporary order remains in effect until a final decision
11 is issued under sub. (3), and no food described in the temporary order may be sold
12 or moved and no operation or method of operation prohibited by the order may be
13 resumed without the approval of the village, city or county.

14 **SECTION 8.** 66.0417 (3) of the statutes is amended to read:

15 66.0417 (3) A notice issued under sub. (2) (c) shall be accompanied by notice
16 of a hearing as provided in s. 68.11 (1). The village, city or county shall hold a hearing
17 no later than 15 days after the service of the notice, unless both parties agree to a
18 later date. Notwithstanding s. 68.12, a final decision shall be issued under s. 68.12
19 within 10 days of the hearing. The decision may order the destruction of food, the
20 diversion of food to uses which do not pose a danger to health, the modification of food
21 so that it does not create a danger to health, changes to or replacement of equipment
22 or construction, other changes in or cessations of any operation or method of
23 operation of the equipment or premises, or any combination of these actions
24 necessary to remove the danger to health. The decision may order the cessation of

1 all operations authorized by the permit license only if a more limited order will not
2 remove the immediate danger to health.

3 **SECTION 9.** 66.0417 (4) of the statutes is amended to read:

4 66.0417 (4) A proceeding under this section, or the issuance of a permit license
5 for the premises after notification of procedures under this section, does not
6 constitute a waiver by the village, city or county of its authority to rely on a violation
7 of ch. 97, s. ~~254.47~~ or subch. VII of ch. 254 or any rule adopted under those statutes
8 as the basis for any subsequent suspension or revocation of the permit license or any
9 other enforcement action arising out of the violation.

10 **SECTION 10.** 66.0435 (9) of the statutes is amended to read:

11 66.0435 (9) MUNICIPALITIES; MONTHLY MUNICIPAL PERMIT FEES ON RECREATIONAL
12 MOBILE HOMES AND RECREATIONAL VEHICLES. A licensing authority may assess monthly
13 municipal permit fees at the rates under this section on recreational mobile homes
14 and recreational vehicles, as defined in s. 340.01 (48r), except recreational mobile
15 homes and recreational vehicles that are located in campgrounds licensed under s.
16 ~~254.47~~ 97.67, recreational mobile homes that constitute improvements to real
17 property under s. 70.043 (1), and recreational mobile homes or recreational vehicles
18 that are located on land where the principal residence of the owner of the recreational
19 mobile home or recreational vehicle is located, regardless of whether the recreational
20 mobile home or recreational vehicle is occupied during all or part of any calendar
21 year.

22 **SECTION 11.** 66.0436 (1) of the statutes is amended to read:

23 66.0436 (1) In this section, “restaurant” has the meaning given in s. ~~254.61~~ (5)
24 97.01 (14g).

25 **SECTION 12.** 66.0436 (2) of the statutes is amended to read:

1 66.0436 (2) No city, village, town, or county may enact an ordinance requiring
2 a restaurant, a person who holds a permit license for a restaurant, or a person who
3 conducts, maintains, manages, or operates a restaurant to satisfy a requirement
4 related to the issuance or possession of a certificate of food protection practices that
5 is not found under s. ~~254.71~~ 97.33.

6 **SECTION 13.** 73.0301 (1) (d) 3. of the statutes, as affected by 2015 Wisconsin Act
7 ... (this act), is amended to read:

8 73.0301 (1) (d) 3. A license, certificate of approval, provisional license,
9 conditional license, certification, certification card, registration, permit, training
10 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)
11 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3), (3g), or (3m), 254.176, 254.20 (3), 256.15
12 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or 343.305 (6) (a) or a permit license for
13 operation of a campground specified in s. ~~254.47 (1)~~ 97.67 (1).

 ****NOTE: This is reconciled s. 73.0301 (1) (d) 3. This SECTION has been affected by
drafts with the following LRB numbers: -0602/P3 and -0807/P5.

14 **SECTION 14.** 76.80 (3) of the statutes is amended to read:

15 76.80 (3) “Telecommunications services” means the transmission of voice,
16 video, facsimile or data messages, including telegraph messages, except that
17 “telecommunications services” does not include video service, as defined in s. 66.0420
18 (2) (y), radio, one-way radio paging or transmitting messages incidental to transient
19 occupancy in hotels, as defined in s. ~~254.61 (3)~~ 97.01 (7).

20 **SECTION 15.** 87.305 (1) (intro.) of the statutes is amended to read:

21 87.305 (1) DEPARTMENT APPROVAL. (intro.) Notwithstanding s. 87.30 or any rule
22 promulgated, order issued or ordinance adopted under that section, the department
23 shall authorize the connection of a sanitary sewer line from the sewerage treatment

1 plant in the city of Prairie du Chien and connection of the public water system of the
2 city of Prairie du Chien to the railroad depot and the Dousman hotel on St. Feriole
3 island and shall authorize historic use of the Dousman hotel as a hotel, as defined
4 under s. ~~254.61(3)~~ 97.01(7), if all of the following conditions are met:

5 **SECTION 16.** 93.06 (14) of the statutes is created to read:

6 **93.06 (14) COOPERATION AND COLLABORATIVE AGREEMENTS.** Promote cooperation
7 and formal collaborative agreements among any of the following with regard to
8 enforcement of the laws and regulations administered by the department, planning,
9 priority setting, information and data sharing, reporting, resource allocation,
10 funding, service delivery, and jurisdiction:

11 (a) This state.

12 (b) Local health departments.

13 (c) Federally recognized American Indian tribes or bands located in this state.

14 (d) The federal Indian health service.

15 **SECTION 17.** 93.07 (24) (e) of the statutes is created to read:

16 **93.07 (24) (e)** To enforce the laws for the sanitary care of campgrounds and
17 camping resorts, recreational and educational camps, public swimming pools, hotels,
18 tourist rooming houses, vending machine commissaries, vending machines, and
19 other persons or entities subject to regulation by the department.

20 **SECTION 18.** 93.135 (1) (ng) of the statutes is created to read:

21 93.135 (1) (ng) A certificate under s. 97.33.

22 **SECTION 19.** 93.135 (1) (nt) of the statutes is created to read:

23 93.135 (1) (nt) A license under s. 97.605 (1) or 97.67 (1) or (2m).

24 **SECTION 20.** Chapter 97 (title) of the statutes is amended to read:

25 **CHAPTER 97**

1 **FOOD REGULATION, LODGING, AND**
2 **RECREATION**

3 **SECTION 21.** Subchapter I (title) of chapter 97 [precedes 97.01] of the statutes
4 is created to read:

5 **CHAPTER 97**
6 **SUBCHAPTER I**
7 **DEFINITIONS**

8 **SECTION 22.** 97.01 (1) of the statutes is renumbered 97.01 (1r).

9 **SECTION 23.** Subchapter II (title) of chapter 97 [precedes 97.02] of the statutes
10 is created to read:

11 **CHAPTER 97**
12 **SUBCHAPTER II**
13 **FOOD SAFETY AND REGULATION**

14 **SECTION 24.** 97.12 (1) of the statutes is amended to read:

15 97.12 (1) For the purpose of enforcing this chapter, the department and its
16 agents may, at reasonable hours, enter and inspect any premises for which a license
17 is required under this chapter or any farm, factory, warehouse, building, room,
18 establishment or place at or in which foods are manufactured, processed, packed,
19 packaged, stored or held for sale, and may enter any vehicle, including a vehicle used
20 to transport or hold foods in commerce. The department and its agents may also
21 secure samples or specimens, including samples or specimens of food and any
22 product or substance that may affect food, examine and copy relevant documents and
23 records, and obtain photographic and other evidence needed to enforce this chapter
24 or a rule promulgated under this chapter. The department shall examine any
25 samples secured and shall conduct other inspections and examinations needed to

1 determine whether there is a violation of this chapter. The department shall pay or
2 offer to pay the market value of samples taken.

3 SECTION 25. 97.12 (5) of the statutes is created to read:

4 97.12 (5) Any person who fails to comply with an order issued under this
5 chapter may be required to forfeit \$50 for each day of noncompliance.

6 SECTION 26. 97.18 (5m) of the statutes is repealed.

7 SECTION 27. 97.20 (2) (e) 2. of the statutes is amended to read:

8 97.20 (2) (e) 2. The retail preparation and processing of meals for sale directly
9 to consumers or through vending machines, if the preparation and processing is
10 covered under a ~~restaurant permit or other permit~~ license issued under s. ~~254.64~~
11 97.605.

12 SECTION 28. 97.25 (3) of the statutes is amended to read:

13 97.25 (3) RULES. The department shall promulgate rules authorizing the
14 operator of a dairy plant licensed under s. 97.20, or a retail food establishment
15 licensed under s. 97.30 ~~or a restaurant with a permit under s. 254.64~~ who complies
16 with the rules to place upon the label of a dairy product the statement
17 “Farmer-certified rBGH free.” or an equivalent statement that is not false or
18 misleading. The statement shall be based upon affidavits from milk producers
19 stating that the milk producers do not use synthetic bovine growth hormone for the
20 production of milk.

21 SECTION 29. 97.27 (1) (b) 3. of the statutes is amended to read:

22 97.27 (1) (b) 3. A retail food establishment, ~~restaurant~~ or other retail facility
23 at which food is stored on a temporary basis incidental to retail preparation or sale.

24 SECTION 30. 97.29 (1) (c) of the statutes is amended to read:

1 97.29 (1) (c) “Bottling establishment” means any place where drinking water,
2 soda water beverage or alcohol beverage is manufactured or bottled for sale.
3 “Bottling establishment” does not include a retail establishment engaged in the
4 preparation and sale of beverages under a license issued under s. 125.26 or 125.51
5 or a ~~restaurant permit~~ license issued under s. 97.30 for a restaurant or other ~~permit~~
6 license issued under s. ~~254.64~~ 97.605.

7 **SECTION 31.** 97.29 (1) (g) 3. of the statutes is amended to read:

8 97.29 (1) (g) 3. The retail preparation and processing of meals for sale directly
9 to consumers or through vending machines if the preparation and processing is
10 covered under a ~~restaurant permit or other permit~~ license issued under s. ~~254.64~~
11 97.605.

12 **SECTION 32.** 97.29 (1) (h) of the statutes is amended to read:

13 97.29 (1) (h) “Food processing plant” means any place where food processing
14 is conducted. “Food processing plant” does not include any establishment subject to
15 the requirements of s. 97.30 ~~or any restaurant or other~~ an establishment holding a
16 ~~permit~~ license under s. ~~254.64~~ 97.605, to the extent that the activities of that
17 establishment are covered by s. 97.30 or the ~~permit~~ license under s. ~~254.64~~ 97.605.

18 **SECTION 33.** 97.30 (1) (c) of the statutes is amended to read:

19 97.30 (1) (c) “Retail food establishment” means a permanent or mobile food
20 processing facility where food processing is conducted primarily for direct retail sale
21 to consumers at the facility, a mobile facility from which potentially hazardous food
22 is sold to consumers at retail or a permanent facility from which food is sold to
23 consumers at retail, whether or not that facility sells potentially hazardous food or
24 is engaged in food processing. “Retail food establishment” ~~does not include~~ includes
25 a restaurant or ~~other establishment~~ temporary restaurant, but does not include an

1 establishment holding a permit license under s. ~~254.64~~ 97.605, to the extent that the
2 activities of the establishment are covered by that permit license.

3 **SECTION 34.** 97.30 (2) (b) 1. c. of the statutes is amended to read:

4 97.30 (2) (b) 1. c. A retail food establishment which is exempted from licensing
5 by the department by rule. If ~~a restaurant or other~~ an establishment for which a
6 permit license has been issued under s. ~~254.64~~ 97.605 is incidentally engaged in
7 operating a retail food establishment at the same location, the department may
8 exempt by rule the ~~restaurant or~~ establishment from licensing under this section.
9 ~~Rules under this subd. 1. c. shall conform to a memorandum of understanding~~
10 ~~between the department and the department of health services, under which the~~
11 ~~department of health services agrees to inspect the retail food establishment~~
12 ~~operations on behalf of the department.~~

13 **SECTION 35.** 97.30 (2) (c) of the statutes is created to read:

14 97.30 (2) (c) *Pre-licensing inspection.* The department or an agent city or
15 county may not issue a license for a new retail food establishment until it inspects
16 the new retail food establishment for compliance with this section and rules
17 promulgated under this section. A licensed retail food establishment is not
18 considered a new retail food establishment under this paragraph solely because of
19 a change in ownership, or solely because of alterations in the retail food
20 establishment.

21 **SECTION 36.** 97.30 (3m) (intro.) of the statutes is amended to read:

22 97.30 (3m) FEE AMOUNTS. (intro.) The department shall specify by rule the
23 amount of the fees under sub. (3) for a restaurant. Unless otherwise required by
24 department rule, the fees required under sub. (3) for a retail food establishment other
25 than a restaurant are:

1 **SECTION 37.** 97.30 (3m) (a) (intro.) of the statutes is amended to read:

2 97.30 (3m) (a) (intro.) For a retail food establishment, other than a restaurant,
3 that has annual food sales of \$25,000 or more but less than \$1,000,000 and that
4 processes potentially hazardous food, the following amounts:

5 **SECTION 38.** 97.30 (3m) (b) (intro.) of the statutes is amended to read:

6 97.30 (3m) (b) (intro.) For a retail food establishment, other than a restaurant,
7 that has annual food sales of \$1,000,000 or more and that processes potentially
8 hazardous food, the following amounts:

9 **SECTION 39.** 97.30 (3m) (c) (intro.) of the statutes is amended to read:

10 97.30 (3m) (c) (intro.) For a retail food establishment, other than a restaurant,
11 that has annual food sales of \$25,000 or more and that is engaged in food processing,
12 but that does not process potentially hazardous food, the following amounts:

13 **SECTION 40.** 97.30 (3m) (cm) of the statutes is amended to read:

14 97.30 (3m) (cm) For a retail food establishment, other than a restaurant, that
15 has annual food sales of less than \$25,000 and that is engaged in food processing, an
16 annual license fee of \$40 and a reinspection fee of \$40.

17 **SECTION 41.** 97.30 (3m) (d) of the statutes is amended to read:

18 97.30 (3m) (d) For a retail food establishment, other than a restaurant, that
19 is not engaged in food processing, an annual license fee of \$20 and a reinspection fee
20 of \$50.

21 **SECTION 42.** 97.41 (1m) of the statutes is amended to read:

22 97.41 (1m) In the administration of this chapter, the department may enter
23 into a written agreement with a local health department, if the jurisdictional area
24 of the local health department has a population greater than 5,000, which designates
25 the local health department as the agent of the department of agriculture, trade and

1 consumer protection for issuing licenses to and making investigations or inspections
2 of retail food establishments, as defined in s. 97.30 (1) (c). When the designation is
3 made, no license other than the license issued by the local health department under
4 this section may be required by the department of agriculture, trade and consumer
5 protection or the local health department for the same operations. The department
6 of agriculture, trade and consumer protection shall ~~coordinate~~ oversee the
7 designation of agents under this section ~~with the department of health services~~ to
8 ensure that, to the extent feasible, the same local health department is granted agent
9 status under this section and under s. ~~254.69 (2)~~ 97.615 (2). Except as otherwise
10 provided by the department of agriculture, trade and consumer protection, a local
11 health department granted agent status shall regulate all types of establishments
12 for which this subsection permits the department of agriculture, trade and consumer
13 protection to delegate regulatory authority.

14 **SECTION 43.** 97.41 (4) (a) of the statutes is amended to read:

15 97.41 (4) (a) Except as provided in par. (b), a local health department granted
16 agent status under this section shall establish and collect the license fee for retail
17 food establishments, as defined in s. 97.30 (1) (c). The local health department may
18 establish separate fees for ~~preinspections~~ pre-licensing inspections of new
19 establishments, for ~~preinspections~~ pre-licensing inspections of existing
20 establishments for which a person intends to be the new operator or for the issuance
21 of duplicate licenses. No fee may exceed the local health department's reasonable
22 costs of issuing licenses to, making investigations and inspections of, and providing
23 education, training and technical assistance to the establishments, plus the state fee
24 established under sub. (5). A local health department which is granted agent status
25 under this section or under s. ~~254.69~~, 97.615 may issue a single license and establish

1 and collect a single fee which authorizes the operation on the same premises of more
2 than one type of establishment with respect to which it is granted agent status under
3 this section or under s. ~~254.69(2)~~ 97.615 (2).

4 **SECTION 44.** 97.42 (3) (em) of the statutes is amended to read:

5 97.42 (3) (em) *Slaughter of farm-raised deer.* The requirements of pars. (a) and
6 (b) do not apply to the slaughter of a farm-raised deer if its meat food products are
7 not sold by a person holding a restaurant permit under s. 254.64 or by an operator
8 of a retail food establishment, as defined under s. 97.30 (1) (c). The operator of an
9 establishment in which farm-raised deer, their carcasses or their meat food products
10 are examined and inspected under this subsection shall pay the department for the
11 cost of the department's examination and inspection.

12 **SECTION 45.** Subchapter III (title) of chapter 97 [precedes 97.603] of the
13 statutes is created to read:

14 **CHAPTER 97**

15 **SUBCHAPTER III**

16 **LODGING AND VENDING MACHINES**

17 **SECTION 46.** Subchapter IV (title) of chapter 97 [precedes 97.67] of the statutes
18 is created to read:

19 **CHAPTER 97**

20 **SUBCHAPTER IV**

21 **RECREATIONAL SANITATION**

22 **SECTION 47.** Subchapter V (title) of chapter 97 [precedes 97.70] of the statutes
23 is created to read:

24 **CHAPTER 97**

25 **SUBCHAPTER V**

GENERAL PROVISIONS

SECTION 48. 97.70 of the statutes is created to read:

97.70 Authority of department of safety and professional services.

Nothing in this chapter affects the authority of the department of safety and professional services relative to places of employment, elevators, boilers, fire escapes, fire protection, or the construction of public buildings.

SECTION 49. 97.703 of the statutes is created to read:

97.703 Joint employment. The department and the department of safety and professional services may employ experts, inspectors, or other assistants jointly.

SECTION 50. 100.36 of the statutes is amended to read:

100.36 Frauds; substitute for butter; advertisement. No person may use the word “butter” in any way in connection or association with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter. No person may use terms such as “cream”, “creamery” or “dairy”, or the name or representation of any breed of dairy cattle, or any combination of such words and representation, or any other words or symbols or combinations thereof commonly used in the sale of butter unless at least 40% of the substitute is butterfat. If the term “butter” is used in connection with the name of any such product, it shall be qualified so as to distinguish it from butter as defined in s. 97.01 ~~(1)~~ (1r).

SECTION 51. 101.05 (2) of the statutes is amended to read:

101.05 (2) A bed and breakfast establishment, as defined under s. ~~254.61~~ (1) 97.01 (1g), is not subject to building codes adopted by the department under this subchapter.

SECTION 52. 101.123 (1) (bn) 1. of the statutes is amended to read:

1 101.123 (1) (bn) 1. A bed and breakfast establishment, as defined in s. ~~254.61~~
2 ~~(1)~~ 97.01 (1g).

3 **SECTION 53.** 101.123 (1) (bn) 2. of the statutes is amended to read:

4 101.123 (1) (bn) 2. A hotel, as defined in s. ~~254.61 (3)~~ 97.01 (7).

5 **SECTION 54.** 101.123 (1) (bn) 3. of the statutes is amended to read:

6 101.123 (1) (bn) 3. A tourist rooming house, as defined in s. ~~254.61 (6)~~ 97.01
7 (15k).

8 **SECTION 55.** 101.123 (1) (f) of the statutes is amended to read:

9 101.123 (1) (f) “Restaurant” ~~means an establishment as defined~~ has the
10 meaning given in s. ~~254.61 (5)~~ 97.01 (14g).

11 **SECTION 56.** 101.128 (1) (c) of the statutes is amended to read:

12 101.128 (1) (c) “Hotel” has the meaning given in s. ~~254.61 (3)~~ 97.01 (7).

13 **SECTION 57.** 101.128 (1) (e) of the statutes is amended to read:

14 101.128 (1) (e) “Restaurant” has the meaning given in s. ~~254.61 (5)~~ 97.01 (14g).

15 **SECTION 58.** 101.149 (1) (ag) of the statutes is amended to read:

16 101.149 (1) (ag) “Bed and breakfast establishment” has the meaning given in
17 s. ~~254.61 (1)~~ 97.01 (1g).

18 **SECTION 59.** 101.149 (1) (cm) of the statutes is amended to read:

19 101.149 (1) (cm) “Tourist rooming house” has the meaning given in s. ~~254.61~~
20 ~~(6)~~ 97.01 (15k).

21 **SECTION 60.** 101.149 (5) (c) of the statutes is amended to read:

22 101.149 (5) (c) All of the fuel-burning appliances in the residential building
23 have sealed combustion units that are inspected as provided in the rules
24 promulgated by the department under sub. (6) (b) or in the rules promulgated by the
25 department of ~~health services~~ under s. ~~254.74~~ 97.625 (1) (am).

1 **SECTION 61.** 101.149 (8) (a) of the statutes, as affected by 2015 Wisconsin Act
2 ... (this act), is amended to read:

3 101.149 (8) (a) If the department or the department of ~~health services~~
4 agriculture, trade and consumer protection determines after an inspection of a
5 building under this section or s. ~~254.74~~ 97.625 (1g) that the owner of the building has
6 violated sub. (2) or (3), the respective department shall issue an order requiring the
7 person to correct the violation within 5 days or within such shorter period as the
8 respective department determines is necessary to protect public health and safety.
9 If the person does not correct the violation within the time required, he or she shall
10 forfeit \$50 for each day of violation occurring after the date on which the respective
11 department finds that the violation was not corrected.

 ****NOTE: This is reconciled s.101.149 (8) (a). This SECTION has been affected by
 drafts with the following LRB numbers: -0602/P4 and -0807/P6.

12 **SECTION 62.** 101.63 (1) (intro.) of the statutes is amended to read:

13 101.63 (1) (intro.) Adopt rules which establish standards for the construction
14 and inspection of one- and 2-family dwellings and components thereof. Where
15 feasible, the standards used shall be those nationally recognized and shall apply to
16 the dwelling and to its electrical, heating, ventilating, air conditioning and other
17 systems, including plumbing, as defined in s. 145.01 (10). No set of rules may be
18 adopted which has not taken into account the conservation of energy in construction
19 and maintenance of dwellings and the costs of specific code provisions to home buyers
20 in relationship to the benefits derived from the provisions. Rules promulgated under
21 this subsection do not apply to a bed and breakfast establishment, as defined under
22 s. ~~254.61(1)~~ 97.01 (1g), except that the rules apply to all of the following:

23 **SECTION 63.** 101.647 (1) (am) of the statutes is amended to read:

1 101.647 (1) (am) Notwithstanding s. 101.61 (1), “dwelling” does not include a
2 tourist rooming house, as defined in s. ~~254.61 (6)~~ 97.01 (15k).

3 **SECTION 64.** 101.935 (2) (e) of the statutes, as affected by 2015 Wisconsin Act
4 ... (this act), is amended to read:

5 101.935 (2) (e) Section ~~254.69 (2)~~ 97.615 (2), as it applies to an agent for the
6 department of ~~health services~~ agriculture, trade and consumer protection in the
7 administration of s. ~~254.47~~ 97.67, applies to an agent for the department in the
8 administration of this section.

 ****NOTE: This is reconciled s. 101.935 (2) (e). This SECTION has been affected by
drafts with the following LRB numbers: -0602/P3 and -0807/P5.

9 **SECTION 65.** 106.52 (1) (d) 1. of the statutes is amended to read:

10 106.52 (1) (d) 1. A bed and breakfast establishment, as defined in s. ~~254.61 (1)~~
11 97.01 (1g).

12 **SECTION 66.** 106.52 (1) (d) 2. of the statutes is amended to read:

13 106.52 (1) (d) 2. A hotel, as defined in s. ~~254.61 (3)~~ 97.01 (7).

14 **SECTION 67.** 106.52 (1) (d) 3. of the statutes is amended to read:

15 106.52 (1) (d) 3. A tourist rooming house, as defined in s. ~~254.61 (6)~~ 97.01 (15k).

16 **SECTION 68.** 108.227 (1) (e) 3. of the statutes, as affected by 2015 Wisconsin Act
17 ... (this act), is amended to read:

18 108.227 (1) (e) 3. A license, certificate of approval, provisional license,
19 conditional license, certification, certification card, registration, permit, training
20 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)
21 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3), (3g), or (3m), 254.176, 254.20 (3), 256.15
22 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or 343.305 (6) (a) or a ~~permit~~ license for
23 operation of a campground specified in s. ~~254.47 (1)~~ 97.67 (1).

****NOTE: This is reconciled s. 108.227 (1) (e) 3. This SECTION has been affected by drafts with the following LRB numbers: -0602/P3 and -0807/P5.

1 **SECTION 69.** 125.02 (3r) of the statutes is amended to read:

2 125.02 (3r) “Caterer” means any person holding a ~~restaurant permit~~ license
3 under s. ~~254.64~~ 97.30 for a restaurant who is in the business of preparing food and
4 transporting it for consumption on premises where gatherings, meetings, or events
5 are held, if the sale of food at each gathering, meeting, or event accounts for greater
6 than 50 percent of the gross receipts of all of the food and beverages served at the
7 gathering, meeting, or event.

8 **SECTION 70.** 125.02 (7) of the statutes is amended to read:

9 125.02 (7) “Hotel” means a hotel, as defined in s. ~~254.61 (3)~~ 97.01 (7), that is
10 provided with a restaurant.

11 **SECTION 71.** 125.02 (18) of the statutes is amended to read:

12 125.02 (18) “Restaurant” means a restaurant, as defined in s. ~~254.61 (5)~~ 97.01
13 (14g).

14 **SECTION 72.** 125.06 (12) of the statutes is amended to read:

15 125.06 (12) **BED AND BREAKFAST ESTABLISHMENTS.** The provision by a bed and
16 breakfast establishment, as defined under s. ~~254.61 (1)~~ 97.01 (1g), of not more than
17 2 complimentary 4–fluid–ounce glasses of wine per day to a person renting a room
18 at the bed and breakfast establishment for consumption on the premises of the bed
19 and breakfast establishment.

20 **SECTION 73.** 125.07 (3) (a) 6. of the statutes is amended to read:

21 125.07 (3) (a) 6. Premises operated under both a Class “B” or “Class B” license
22 or permit and a ~~restaurant permit~~ license under s. 97.30 for a restaurant where the
23 principal business conducted is that of a restaurant. If the premises are operated

1 under both a Class “B” or “Class B” license or permit and a ~~restaurant permit~~ license
2 under s. 97.30 for a restaurant, the principal business conducted is presumed to be
3 the sale of alcohol beverages, but the presumption may be rebutted by competent
4 evidence.

5 **SECTION 74.** 125.07 (3) (a) 6m. of the statutes is amended to read:

6 125.07 (3) (a) 6m. Premises operating under both a “Class C” license and a
7 ~~restaurant permit~~ license under s. 97.30 for a restaurant.

8 **SECTION 75.** 125.29 (6) of the statutes is amended to read:

9 125.29 (6) RESTAURANTS. A brewer may operate a restaurant on the brewery
10 premises and at an off-site retail outlet established by the brewer. A brewer may not
11 hold a ~~restaurant permit~~ license under s. 97.30 for a restaurant for the operation of
12 a restaurant at any other location except that a brewer may possess or hold an
13 indirect interest in a Class “B” license for not more than 20 restaurants in each of
14 which the sale of alcohol beverages accounts for less than 60 percent of the
15 restaurant’s gross receipts if no fermented malt beverages manufactured by the
16 brewer are offered for sale in any of these restaurants.

17 **SECTION 76.** 125.295 (2) (a) 3. of the statutes is amended to read:

18 125.295 (2) (a) 3. The applicant operates a restaurant on the premises for which
19 the permit is issued, for which a ~~restaurant permit~~ license is issued under s. ~~254.64~~
20 97.30 for a restaurant.

21 **SECTION 77.** 125.295 (2) (b) of the statutes is amended to read:

22 125.295 (2) (b) If an applicant under par. (a) has no current operations, the
23 applicant may certify that the applicant has applied for or will apply for a Class “B”
24 license or ~~restaurant permit~~ license under s. 97.30 for a restaurant or will comply
25 with any other requirement under par. (a), prior to or upon commencing operations

1 authorized under this section. If a Class “B” license or ~~restaurant permit license~~
2 under s. 97.30 for a restaurant is not subsequently issued to the applicant, or if the
3 applicant otherwise fails to comply with any requirement for eligibility under par.
4 (a), the department may revoke under s. 125.12 (5) the permit issued under this
5 section.

6 SECTION 78. 125.68 (5) of the statutes is amended to read:

7 125.68 (5) RESTAURANT SANITATION RULES. No applicant may obtain a “Class B”
8 license or permit or a “Class C” license unless the premises complies with the rules
9 promulgated by the department of ~~health services~~ agriculture, trade and consumer
10 protection governing sanitation in restaurants. However, the department of ~~health~~
11 ~~services~~ agriculture, trade and consumer protection may not restrict the serving of
12 cheese without charge in individual portions to customers as permitted by s. ~~254.61~~
13 ~~(5)~~ 97.01 (14g).

14 SECTION 79. 126.56 (2) (b) of the statutes is amended to read:

15 126.56 (2) (b) A restaurant or other retail food establishment that procures
16 processing vegetables solely for retail sale at the restaurant or other retail food
17 establishment.

18 SECTION 80. 250.041 (1) (e) of the statutes, as affected by 2015 Wisconsin Act
19 (this act), is repealed.

****NOTE: This is reconciled s. 250.041 (1) (e). This SECTION has been affected by
drafts with the following LRB numbers: -0602/P3 and -0807/P5.

20 SECTION 81. 250.041 (1) (f) of the statutes is repealed.

21 SECTION 82. 252.02 (4) of the statutes is amended to read:

22 252.02 (4) The Except as provided in ss. 93.07 (24) (e) and 97.59, the
23 department may promulgate and enforce rules or issue orders for guarding against

1 the introduction of any communicable disease into the state, for the control and
2 suppression of communicable diseases, for the quarantine and disinfection of
3 persons, localities and things infected or suspected of being infected by a
4 communicable disease and for the sanitary care of jails, state prisons, mental health
5 institutions, schools, hotels and public buildings and connected premises. Any rule
6 or order may be made applicable to the whole or any specified part of the state, or to
7 any vessel or other conveyance. The department may issue orders for any city, village
8 or county by service upon the local health officer. Rules that are promulgated and
9 orders that are issued under this subsection supersede conflicting or less stringent
10 local regulations, orders or ordinances.

11 **SECTION 83.** 252.18 of the statutes is renumbered 97.59 and amended to read:

12 **97.59 Handling foods.** No person in charge of any public eating place or other
13 establishment where food products to be consumed by others are handled may
14 knowingly employ any person handling food products who has a disease in a form
15 that is communicable by food handling. If required by the local health officer or any
16 officer of the department for the purposes of an investigation, any person who is
17 employed in the handling of foods or is suspected of having a disease in a form that
18 is communicable by food handling shall submit to an examination by the officer or
19 by a physician, physician assistant, or advanced practice nurse prescriber
20 designated by the officer. The expense of the examination, if any, shall be paid by the
21 person examined. Any person knowingly infected with a disease in a form that is
22 communicable by food handling who handles food products to be consumed by others
23 and any persons knowingly employing or permitting such a person to handle food
24 products to be consumed by others shall be punished as provided by s. ~~252.25~~ 97.72.

25 **SECTION 84.** 254.02 (3) (a) of the statutes is amended to read:

1 254.02 (3) (a) The department of agriculture, trade and consumer protection,
2 the department of corrections, the department of safety and professional services,
3 and the department of natural resources shall enter into memoranda of
4 understanding with the department to establish protocols for the department to
5 review proposed rules of those state agencies relating to air and water quality,
6 occupational health and safety, institutional sanitation, toxic substances, indoor air
7 quality, ~~food protection~~ or waste handling and disposal.

8 **SECTION 85.** 254.115 (1) (c) of the statutes is repealed.

9 **SECTION 86.** 254.47 (title) of the statutes is renumbered 97.67 (title) and
10 amended to read:

11 **97.67 Recreational ~~permits~~ licenses and fees.**

12 **SECTION 87.** 254.47 (1) of the statutes is renumbered 97.67 (1) and amended
13 to read:

14 97.67 (1) Except as provided in sub. (1g) and ~~ss. 250.041 and 254.115 s. 93.135,~~
15 the department or a local health department granted agent status under s. 254.69
16 ~~(2) 97.615 (2)~~ shall issue ~~permits~~ licenses to and regulate campgrounds and camping
17 resorts, recreational and educational camps and public swimming pools. No person
18 or state or local government who has not been issued a ~~permit~~ license under this
19 section may conduct, maintain, manage or operate a campground and camping
20 resort, recreational camp and educational camp or public swimming pool, as defined
21 by departmental rule.

22 **SECTION 88.** 254.47 (1g) of the statutes is renumbered 97.67 (1g).

23 **SECTION 89.** 254.47 (1m) of the statutes is renumbered 97.67 (1m) and amended
24 to read:

1 97.67 (1m) The department or a local health department granted agent status
2 under s. ~~254.69~~ 97.615 (2) may not, without a ~~preinspection~~ pre-licensing inspection,
3 grant a ~~permit~~ license to a person intending to operate a new public swimming pool,
4 campground, or recreational or educational camp or to a person intending to be the
5 new operator of an existing public swimming pool, campground, or recreational or
6 educational camp.

7 **SECTION 90.** 254.47 (2) of the statutes is renumbered 97.67 (2) and amended
8 to read:

9 97.67 (2) (a) A separate ~~permit~~ license is required for each campground,
10 camping resort, recreational or educational camp, and public swimming pool. Except
11 as provided in par. (b) or (c), no ~~permit~~ license issued under this section is
12 transferable from one premises to another or from one person, state or local
13 government to another.

14 (b) A ~~permit~~ license issued under this section may be transferred from an
15 individual to an immediate family member, as defined in s. ~~254.64~~ 97.605 (4) (a) 2.,
16 if the individual is transferring operation of the campground, camping resort,
17 recreational or educational camp, or public swimming pool to the immediate family
18 member.

19 (c) A sole proprietorship that reorganizes as a business entity, as defined in s.
20 179.70 (1), or a business entity that reorganizes as a sole proprietorship or a different
21 type of business entity may transfer a ~~permit~~ license issued under this section for a
22 campground, camping resort, recreational or educational camp, or public swimming
23 pool to the newly formed business entity or sole proprietorship if all of the following
24 conditions are satisfied:

SECTION 90

1 1. The campground, camping resort, recreational or educational camp, or
2 public swimming pool remains at the location for which the permit license was
3 issued.

4 2. At least one individual who had an ownership interest in the sole
5 proprietorship or business entity to which the permit license was issued has an
6 ownership interest in the newly formed sole proprietorship or business entity.

7 **SECTION 91.** 254.47 (2m) of the statutes is renumbered 97.67 (2m) and amended
8 to read:

9 97.67 (2m) Except as provided in ~~ss. 250.041 and 254.115~~ s. 93.135, the initial
10 issuance, renewal or continued validity of a permit license issued under this section
11 may be conditioned upon the requirement that the permittee licensee correct a
12 violation of this section, rules promulgated by the department under this section or
13 ordinances adopted under s. ~~254.69~~ 97.615 (2) (g), within a period of time that is
14 specified. If the condition is not met within the specified period of time, the permit
15 license is void.

16 **SECTION 92.** 254.47 (3) of the statutes is repealed.

17 **SECTION 93.** 254.47 (4) of the statutes is renumbered 97.67 (4) and amended
18 to read:

19 97.67 (4) ~~Permits~~ Licenses issued under this section expire on June 30, except
20 that ~~permits~~ licenses initially issued during the period beginning on April 1 and
21 ending on June 30 expire on June 30 of the following year. Except as provided in s.
22 ~~254.69~~ 97.615 (2) (d) and (e), the department shall promulgate rules that establish,
23 for ~~permits~~ licenses issued under this section, amounts of permit license fees,
24 ~~preinspection pre-licensing inspection~~ fees, reinspection fees, fees for operating
25 without a license, and late fees for untimely permit license renewal.

1 **SECTION 94.** 254.47 (5) of the statutes is renumbered 97.67 (5) and amended
2 to read:

3 **97.67 (5)** No permit license may be issued under this section until all applicable
4 fees have been paid. If the payment is by check or other draft drawn upon an account
5 containing insufficient funds, the permit license applicant shall, within 15 days after
6 receipt of notice from the department of the insufficiency, pay by cashier's check or
7 other certified draft, money order or cash the fees from the department, late fees and
8 processing charges that are specified by rules promulgated by the department. If the
9 permit license applicant fails to pay all applicable fees, late fees and the processing
10 charges within 15 days after the applicant receives notice of the insufficiency, the
11 permit license is void. In an appeal concerning voiding of a permit license under this
12 subsection, the burden is on the permit license applicant to show that the entire
13 applicable fees, late fees and processing charges have been paid. During any appeal
14 process concerning payment dispute, operation of the establishment in question is
15 deemed considered to be operation without a permit license.

16 **SECTION 95.** 254.47 (5m) of the statutes is renumbered 97.67 (5m).

17 **SECTION 96.** 254.47 (6) of the statutes is renumbered 97.67 (6).

18 **SECTION 97.** 254.47 (7) of the statutes is renumbered 97.67 (7) and amended
19 to read:

20 **97.67 (7)** The department may not require that a swimming pool be staffed by
21 a lifeguard as a condition of receiving a permit license under this section if the
22 swimming pool is less than 2,500 square feet, the swimming pool is located in a
23 private club in the city of Milwaukee, and the club has a policy that prohibits a minor
24 from using the swimming pool when not accompanied by an adult.

1 **SECTION 98.** Subchapter VII (title) of chapter 254 [precedes 254.61] of the
2 statutes is repealed.

3 **SECTION 99.** 254.61 (title) of the statutes is repealed.

4 **SECTION 100.** 254.61 (intro.) of the statutes is repealed.

5 **SECTION 101.** 254.61 (1) of the statutes is renumbered 97.01 (1g).

6 **SECTION 102.** 254.61 (2) of the statutes is repealed.

7 **SECTION 103.** 254.61 (3) of the statutes is renumbered 97.01 (7).

8 **SECTION 104.** 254.61 (3m) of the statutes is renumbered 97.01 (13g).

9 **SECTION 105.** 254.61 (4) of the statutes is renumbered 97.01 (13r) and amended
10 to read:

11 **97.01 (13r)** “Public health and safety” means the highest degree of protection
12 against infection, contagion or disease and freedom from the danger of fire or
13 accident that can be reasonably maintained in the operation of a hotel, restaurant,
14 tourist rooming house, bed and breakfast establishment, vending machine or
15 vending machine commissary.

16 **SECTION 106.** 254.61 (5) of the statutes is renumbered 97.01 (14g), and 97.01
17 (14g) (intro.), as renumbered, is amended to read:

18 **97.01 (14g)** (intro.) “Restaurant” means any building, room or place where
19 ~~meals are prepared or served or sold~~ at which the predominant activity is the
20 preparation, service, or sale of meals to transients or the general public, and
21 including all places used in connection with it and ~~includes~~ including any public or
22 private school lunchroom for which food service is provided by contract. “Meals” does
23 not include soft drinks, ice cream, milk, milk drinks, ices and confections.
24 “Restaurant” does not include:

25 **SECTION 107.** 254.61 (5m) of the statutes is renumbered 97.01 (15b).

1 **SECTION 108.** 254.61 (5r) of the statutes is renumbered 97.01 (15f).

2 **SECTION 109.** 254.61 (6) of the statutes is renumbered 97.01 (15k).

3 **SECTION 110.** 254.61 (7) of the statutes is renumbered 97.01 (15p).

4 **SECTION 111.** 254.61 (8) of the statutes is renumbered 97.01 (15s) and amended
5 to read:

6 **97.01 (15s)** “Vending machine commissary” means any building, room or place
7 where the food, beverage, ingredients, containers, transport equipment or supplies
8 for vending machines are kept, handled, prepared or stored by a vending machine
9 operator. “Vending machine commissary” does not mean any place at which the
10 operator is licensed to manufacture, distribute or sell food products under ~~ch. 97~~ this
11 chapter.

12 **SECTION 112.** 254.61 (9) of the statutes is renumbered 97.01 (15w).

13 **SECTION 113.** 254.61 (10) of the statutes is renumbered 97.01 (15y).

14 **SECTION 114.** 254.62 of the statutes is renumbered 97.60.

15 **SECTION 115.** 254.63 of the statutes is renumbered 97.603.

16 **SECTION 116.** 254.64 of the statutes is renumbered 97.605, and 97.605 (title),
17 (1), (1m), (1p), (2), (3), (4) (b), (d) and (e) and (5), as renumbered, are amended to read:

18 **97.605 (title) Permit Lodging and vending licenses.** (1) (a) No person may
19 conduct, maintain, manage or operate a hotel, ~~restaurant, temporary restaurant,~~
20 tourist rooming house, vending machine commissary or vending machine if the
21 person has not been issued an annual permit license by the department or by a local
22 health department that is granted agent status under s. ~~254.69~~ 97.615 (2).

23 (b) No person may maintain, manage or operate a bed and breakfast
24 establishment for more than 10 nights in a year without having first obtained an
25 annual permit license from the department.

1 (c) Except as provided in s. ~~250.041~~ 93.135, no permit license may be issued
2 under this section until all applicable fees have been paid. If the payment is by check
3 or other draft drawn upon an account containing insufficient funds, the permit
4 license applicant shall, within 15 days after receipt of notice from the department of
5 the insufficiency, pay by cashier's check or other certified draft, money order or cash
6 the fees, late fees and processing charges that are specified by rules promulgated by
7 the department. If the permit license applicant fails to pay all applicable fees, late
8 fees and processing charges within 15 days after the applicant receives notice of the
9 insufficiency, the permit license is void. In an appeal concerning voiding of a permit
10 license under this paragraph, the burden is on the permit license applicant to show
11 that the entire applicable fees, late fees and processing charges have been paid.
12 During any appeal process concerning payment dispute, operation of the
13 establishment in question is deemed to be operation without a permit license.

14 (d) If a person or establishment otherwise licensed under ~~ch. 97~~ this chapter
15 is incidentally engaged in an activity for which a permit license is required under this
16 section, the department may, by rule, exempt the person or establishment from the
17 permit license requirement under this section. ~~Rules under this paragraph shall~~
18 ~~conform to a memorandum of understanding between the department and the~~
19 ~~department of agriculture, trade and consumer protection.~~

20 (1m) No county, city, village or town may require any permit license of, or
21 impose any permit license or inspection fee on, a vending machine operator, vending
22 machine commissary or vending machine permitted licensed under this subchapter
23 chapter.

24 (1p) Except as provided in s. ~~250.041~~ 93.135, the department may condition the
25 initial issuance, renewal or continued validity of a permit license issued under this

1 section on correction by the ~~permittee~~ licensee of a violation of this subchapter, rules
2 promulgated by the department under this subchapter or ordinances or regulations
3 adopted under s. ~~254.69~~ 97.615 (2) (g), within a specified period of time. If the
4 ~~permittee~~ licensee fails to meet the condition within the specified period of time, the
5 ~~permit~~ license is void.

6 (2) Except as provided in sub. (3), a separate ~~permit~~ license is required for each
7 hotel, tourist rooming house, bed and breakfast establishment, or vending machine
8 commissary.

9 (3) (a) A bulk milk dispenser may be operated in a restaurant without a
10 vending machine or vending machine operator ~~permit~~ license.

11 (b) A restaurant may operate as a vending machine commissary without a
12 vending machine commissary ~~permit~~ license.

13 (4) (b) Except as provided in par. (d) or (e), no ~~permit~~ license is transferable from
14 one premises to another or from one person to another.

15 (d) The holder of a ~~permit~~ license issued under this section may transfer the
16 ~~permit~~ license to an individual who is an immediate family member if the holder is
17 transferring operation of the hotel, tourist rooming house, bed and breakfast
18 establishment, or vending machine to the immediate family member.

19 (e) A sole proprietorship that reorganizes as a business entity or a business
20 entity that reorganizes as either a sole proprietorship or a different type of business
21 entity may transfer a ~~permit~~ license issued under this section for operation of an a
22 hotel, tourist rooming house, bed and breakfast establishment, or vending machine
23 commissary to the newly formed business entity or sole proprietorship if the
24 following conditions are satisfied:

1 1. The hotel, tourist rooming house, bed and breakfast establishment, or
2 vending machine commissary remains at the location for which the permit license
3 was issued.

4 2. At least one individual who had an ownership interest in the sole
5 proprietorship or business entity to which the permit license was issued has an
6 ownership interest in the newly formed sole proprietorship or business entity.

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

10 (b) 1. The local health department of a city of the 1st class that has entered into
11 an agreement with the department under s. ~~254.69~~ 97.615 (2) may issue a permit
12 license for a ~~restaurant or~~ bed and breakfast establishment required under this
13 section at any time during the year. A permit license issued under this subdivision
14 shall expire one year from the date of its issuance.

15 2. The holder of a permit license for a ~~restaurant or~~ bed and breakfast
16 establishment may request an extension to the term of a permit license issued under
17 this section by the local health department of a city of the 1st class that has entered
18 into an agreement with the department under s. ~~254.69~~ 97.615 (2) for the purpose
19 of aligning the annual term of any other license or permit issued to that permit
20 license holder with the annual term of a permit license to be issued to that permit
21 license holder under subd. 1. The local health department may require a permit
22 license holder that receives an extension under this subdivision to pay a prorated fee
23 in an amount determined by dividing the permit license fee imposed under s. ~~254.69~~
24 97.615 (2) by 12 and multiplying the quotient by the number of months by which the
25 permit license issued under this section is extended under this subdivision.

1 **SECTION 117.** 254.65 of the statutes is renumbered 97.607 and amended to
2 read:

3 **97.607 ~~Preinspection~~ Pre-licensing inspection.** (1) The department or
4 a local health department granted agent status under s. ~~254.69~~ 97.615 (2) may not
5 grant a ~~permit~~ license to a person intending to operate a new hotel, tourist rooming
6 house, bed and breakfast establishment, ~~restaurant~~ or vending machine commissary
7 or to a person intending to be the new operator of an existing hotel, tourist rooming
8 house, bed and breakfast establishment, ~~restaurant~~ or vending machine commissary
9 without a ~~preinspection~~ pre-licensing inspection. This section does not apply to a
10 temporary restaurant or when a ~~permit~~ license is transferred under s. ~~254.64~~ 97.605
11 (4) (d) or (e).

12 (2) Agents designated by the department under s. ~~254.69~~ 97.615 (1) shall make
13 ~~preinspections~~ pre-licensing inspections of vending machine commissaries as
14 required under this subsection and shall be reimbursed for those services at the rate
15 of 80% of the ~~preinspection~~ pre-licensing inspection fee designated in this
16 subsection. Agents designated by the department under s. ~~254.69~~ 97.615 (2) shall
17 make ~~preinspections~~ pre-licensing inspections of hotels, ~~restaurants~~ and tourist
18 rooming houses and establish and collect ~~preinspection~~ pre-licensing inspection fees
19 under s. ~~254.69~~ 97.615 (2) (d).

20 **SECTION 118.** 254.66 of the statutes is renumbered 97.307 and amended to
21 read:

22 **97.307 Average annual surveys.** The department or a local health
23 department granted agent status under s. ~~254.69~~ (2) 97.41 shall annually make a
24 number of inspections of restaurants in this state that shall equal the number of

1 restaurants for which annual ~~permits~~ licenses are issued under s. ~~254.64 (1) (a)~~
2 97.30.

3 **SECTION 119.** 254.67 of the statutes is renumbered 97.61.

4 **SECTION 120.** 254.68 of the statutes is renumbered 97.613 and amended to
5 read:

6 **97.613 Fees.** Except as provided in s. ~~254.69~~ 97.615 (2) (d) and (e), the
7 department shall promulgate rules that establish, for ~~permits~~ licenses issued under
8 s. ~~254.64~~, ~~permit~~ 97.605, license fees, ~~preinspection~~ pre-licensing inspection fees,
9 reinspection fees, fees for operating without a ~~permit~~ license, late fees for untimely
10 ~~permit~~ renewal, fees for comparable compliance or variance requests, and fees for
11 ~~pre-permit~~ pre-license review of restaurant plans.

12 **SECTION 121.** 254.69 of the statutes is renumbered 97.615, and 97.615 (2)
13 (title), (am), (b), (c), (d), (dm), (e), (f), (g), (h) and (j) 1. and 2., as renumbered, are
14 amended to read:

15 **97.615 (2) (title)** HOTELS, RESTAURANTS, TOURIST ROOMING HOUSES, AND OTHER
16 ESTABLISHMENTS. (am) In the administration of this subchapter or s. ~~254.47~~ 97.67,
17 the department may enter into a written agreement with a local health department
18 with a jurisdictional area that has a population greater than 5,000, which designates
19 the local health department as the department's agent in issuing ~~permits~~ licenses to
20 and making investigations or inspections of hotels, ~~restaurants~~, ~~temporary~~
21 ~~restaurants~~, tourist rooming houses, bed and breakfast establishments,
22 campgrounds and camping resorts, recreational and educational camps, and public
23 swimming pools. In a jurisdictional area of a local health department without agent
24 status, the department of ~~health services~~ may issue ~~permits~~ licenses, collect fees
25 established by rule under s. ~~254.68~~ 97.613 and make investigations or inspections

1 of hotels, ~~restaurants, temporary restaurants,~~ tourist rooming houses, bed and
2 breakfast establishments, campgrounds and camping resorts, recreational and
3 educational camps, and public swimming pools. If the department designates a local
4 health department as its agent, the department or local health department may
5 require no ~~permit~~ license for the same operations other than the ~~permit~~ license
6 issued by the local health department under this subsection. The department shall
7 ~~coordinate~~ oversee the designation of agents under this subsection ~~with the~~
8 ~~department of agriculture, trade and consumer protection~~ to ensure that, to the
9 extent feasible, the same local health department is granted agent status under this
10 subsection and under s. 97.41. ~~Except as otherwise provided by the department, a~~
11 ~~local health department granted agent status shall regulate all types of~~
12 ~~establishments for which this subchapter permits the department of health services~~
13 ~~to delegate regulatory authority.~~

14 (b) A local health department granted agent status under this subsection shall
15 meet standards promulgated, by rule, by the department of ~~health services~~. The
16 department shall annually evaluate the licensing, investigation and inspection
17 program of each local health department granted agent status. If, at any time, a local
18 health department granted agent status fails to meet the standards, the department
19 of ~~health services~~ agriculture, trade and consumer protection may revoke its agent
20 status.

21 (c) The department shall provide education and training to agents designated
22 under this subsection to ensure uniformity in the enforcement of this subchapter, s.
23 ~~254.47~~ 97.67 and rules promulgated under this subchapter and s. ~~254.47~~ 97.67.

24 (d) Except as provided in par. (dm), a local health department granted agent
25 status under this subsection shall establish and collect the ~~permit~~ license fee for each

1 type of establishment specified in par. (am). The local health department may
2 establish separate fees for ~~preinspections~~ pre-licensing inspections of new
3 establishments, for ~~preinspections~~ pre-licensing inspections of existing
4 establishments for which a person intends to be the new operator or for the issuance
5 of duplicate ~~permits~~ licenses. No fee may exceed the local health department's
6 reasonable costs of issuing ~~permits~~ licenses to, making investigations and
7 inspections of, and providing education, training and technical assistance to the
8 establishments, plus the state fee established under par. (e). A local health
9 department granted agent status under this subsection or under s. 97.41 may issue
10 a single ~~permit~~ license and establish and collect a single fee which authorizes the
11 operation on the same premises of more than one type of establishment for which it
12 is granted agent status under this subsection or under s. 97.41.

13 (dm) A local health department granted agent status under this subsection
14 may contract with the department of ~~health services~~ for the department of ~~health~~
15 ~~services~~ to collect fees and issue ~~permits~~ licenses. The department shall collect from
16 the local health department the actual and reasonable cost of providing the services.

17 (e) The department shall establish state fees for its costs related to setting
18 standards under this subchapter and s. ~~254.47~~ 97.67 and monitoring and evaluating
19 the activities of, and providing education and training to, agent local health
20 departments. Agent local health departments shall include the state fees in the
21 ~~permit~~ license fees established under par. (d), collect the state fees and reimburse the
22 department for the state fees collected. For each type of establishment specified in
23 par. (am), the state fee may not exceed 20% of the ~~permit~~ license fees charged under
24 ss. ~~254.47~~ 97.67 and ~~254.68~~ 97.613.

1 (f) If, under this subsection, a local health department becomes an agent or its
2 agent status is discontinued during a ~~permittee's permit~~ licensee's license year, the
3 department of ~~health services~~ and the local health department shall divide any
4 permit license fee paid by the ~~permittee~~ licensee for that permit license year
5 according to the proportions of the ~~permit~~ license year occurring before and after the
6 local health department's agent status is granted or discontinued. No additional fee
7 may be required during the ~~permit~~ license year due to the change in agent status.

8 (g) A village, city or county may adopt ordinances and a local board of health
9 may adopt regulations regarding the ~~permittees~~ licensees and premises for which
10 the local health department is the designated agent under this subsection, which are
11 stricter than this subchapter, s. ~~254.47~~ 97.67, or rules promulgated by the
12 department of ~~health services~~ under this subchapter or s. ~~254.47~~ 97.67. No such
13 provision may conflict with this subchapter or with department rules.

14 (h) This subsection does not limit the authority of the department to inspect
15 hotels, tourist rooming houses, bed and breakfast establishments, or vending
16 machine commissaries in jurisdictional areas of local health departments where
17 agent status is granted if it inspects in response to an emergency, for the purpose of
18 monitoring and evaluating the local health department's licensing, inspection and
19 enforcement program or at the request of the local health department.

20 (j) 1. A permit license fee established by a local health department granted
21 agent status exceeds the reasonable costs described under par. (d).

22 2. The person issuing, refusing to issue, suspending or revoking a permit
23 license or making an investigation or inspection of the appellant has a financial
24 interest in a regulated establishment specified in par. (am) which may interfere with
25 his or her ability to properly take that action.

1 **SECTION 122.** 254.70 of the statutes is renumbered 97.617 and amended to
2 read:

3 **97.617 Application; lodging and vending.** (1) An applicant for a permit
4 license under this subchapter shall complete the application prepared by the
5 department or the local health department granted agent status under s. 254.69
6 97.615 (2) and provide, in writing, any additional information the department of
7 ~~health services~~ agriculture, trade and consumer protection or local health
8 department issuing the permit license requires.

9 (2) Upon receipt of an application for a vending machine operator permit
10 license, the department may cause an investigation to be made of the applicant's
11 commissary, servicing and transport facilities, if any, and representative machines
12 and machine locations. The operator shall maintain at his or her place of business
13 within this state a list of all vending machines operated by him or her and their
14 location. This information shall be kept current and shall be made available to the
15 department upon request. The operator shall notify the department of any change
16 in operations involving new types of vending machines or conversion of existing
17 machines to dispense products other than those for which such machine was
18 originally designed and constructed.

19 **SECTION 123.** 254.71 of the statutes is renumbered 97.33, and 97.33 (2), (3), (5)
20 and (6) (c), as renumbered, are amended to read:

21 97.33 (2) Except as provided in s. 250.041 93.135, the department may issue
22 a certificate of food protection practices to an individual who satisfactorily completes
23 an approved examination or who has achieved comparable compliance.

1 (3) Each certificate is valid for 5 years from the date of issuance and, except as
2 provided in s. ~~250.041~~ 93.135, may be renewed by the certificate holder if he or she
3 satisfactorily completes an approved examination.

4 (5) The department shall conduct evaluations of the effect that the food
5 protection practices certification program has on compliance by restaurants with
6 requirements established under s. ~~254.74 (1)~~ 97.30 (5).

7 (6) (c) Establishing procedures for issuance, except as provided in s. ~~250.041~~
8 93.135, of certificates of food protection practices, including application submittal
9 and review.

10 **SECTION 124.** 254.715 of the statutes is renumbered 97.305.

11 **SECTION 125.** 254.72 of the statutes is renumbered 97.62 and amended to read:

12 **97.62 Health and safety; standard.** Every hotel, tourist rooming house, bed
13 and breakfast establishment, ~~restaurant, temporary restaurant,~~ vending machine
14 commissary and vending machine shall be operated and maintained with a strict
15 regard to the public health and safety and in conformity with this subchapter and
16 the rules and orders of the department.

17 **SECTION 126.** 254.73 of the statutes is renumbered 97.623.

18 **SECTION 127.** 254.74 of the statutes is renumbered 97.625, and 97.625 (1) (a),
19 (am), (b), (d) and (e), (1p) (a) (intro.) and 2. and (b) and (2), as renumbered, are
20 amended to read:

21 97.625 (1) (a) Administer and enforce this subchapter, the rules promulgated
22 under this subchapter and any other rules or laws relating to the public health and
23 safety in hotels, tourist rooming houses, bed and breakfast establishments,
24 ~~restaurants,~~ vending machine commissaries, vending machines and vending
25 machine locations.

1 (am) Promulgate rules, in consultation with the department of safety and
2 professional services, under which the department of ~~health services~~ shall conduct
3 regular inspections of sealed combustion units, as required under s. 101.149 (5) (c),
4 for carbon monoxide emissions in hotels, tourist rooming houses, and bed and
5 breakfast establishments. The rules shall specify conditions under which it may
6 issue orders as specified under s. 101.149 (8) (a). The rules may not require the
7 department of ~~health services~~ to inspect sealed combustion units during the period
8 in which the sealed combustion units are covered by a manufacturer's warranty
9 against defects.

10 (b) Require hotels, tourist rooming houses, ~~restaurants~~, vending machine
11 operators and vending machine commissaries to file reports and information the
12 department deems necessary.

13 (d) Prescribe rules and fix standards, including rules covering the general
14 sanitation and cleanliness of premises regulated under this subchapter, the proper
15 handling and storing of food on such premises, the construction and sanitary
16 condition of the premises and equipment to be used and the location and servicing
17 of equipment. The rules relating to the public health and safety in bed and breakfast
18 establishments may not be stricter than is reasonable for the operation of a bed and
19 breakfast establishment, shall be less stringent than rules relating to ~~other~~
20 ~~establishments~~ hotels, tourist rooming houses, and vending machine commissaries
21 regulated by this subchapter and may not require 2nd exits for a bed and breakfast
22 establishment on a floor above the first level.

23 (e) Hold a hearing under ch. 227 if, in lieu of proceeding under ch. 68, any
24 interested person in the jurisdictional area of a local health department not granted
25 agent status under s. ~~254.69~~ 97.615 appeals to the department of ~~health services~~

1 alleging that a permit license fee for a hotel, restaurant, temporary restaurant,
2 tourist rooming house, campground, camping resort, recreational or educational
3 camp or public swimming pool exceeds the permit license issuer's reasonable costs
4 of issuing permits licenses to, making investigations and inspections of, and
5 providing education, training and technical assistance to the establishment.

6 (1p) (a) The department may grant the holder of a permit license for a bed and
7 breakfast establishment a waiver from the requirement specified under s. 254.61 (1)
8 (b) 97.01 (1g) (b) to allow the holder of a permit license for a bed and breakfast
9 establishment to serve breakfast to other tourists or transients if all of the following
10 conditions are met:

11 2. The other tourists or transients are provided sleeping accommodations in a
12 tourist rooming house for which the permit license holder for the bed and breakfast
13 establishment is the permit license holder.

14 (b) A waiver granted under par. (a) is valid for the period of validity of a permit
15 license that is issued for the bed and breakfast establishment under s. 254.64 97.605
16 (1) (b).

17 (2) A local health department designated as an agent under s. 254.69 (2) 97.615
18 (2) may exercise the powers specified in sub. (1) (a) to (d), consistent with s. 254.69
19 97.615 (2) (g).

20 SECTION 128. 254.76 of the statutes is renumbered 97.627.

21 SECTION 129. 254.78 of the statutes is renumbered 254.04 and amended to
22 read:

23 **254.04 Authority of department of safety and professional services.**

24 Nothing in this chapter shall affect affects the authority of the department of safety

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1 and professional services relative to places of employment, elevators, boilers, fire
2 escapes, fire protection, or the construction of public buildings.

3 **SECTION 130.** 254.79 of the statutes is renumbered 254.05.

4 **SECTION 131.** 254.80 of the statutes is renumbered 97.633.

5 **SECTION 132.** 254.81 of the statutes is renumbered 97.634.

6 **SECTION 133.** 254.82 of the statutes is renumbered 97.635.

7 **SECTION 134.** 254.83 of the statutes is renumbered 97.638.

8 **SECTION 135.** 254.84 (title), (1), (2), (3) and (4) of the statutes are renumbered
9 97.639 (title), (1), (2), (3) and (4).

10 **SECTION 136.** 254.84 (5) of the statutes is renumbered 97.639 (5) and amended
11 to read:

12 97.639 (5) CONSTRUCTION. Nothing in this section may be construed to require
13 establishments motels, motor courts, tourist cabins, or like accommodations to have
14 outdoor or outside signs. This section shall be liberally construed so as to prevent
15 untrue, misleading, false, or fraudulent representations relating to rates placed on
16 outdoor or outside signs of the establishments.

17 **SECTION 137.** 254.84 (6) of the statutes is repealed.

18 **SECTION 138.** 254.85 of the statutes is renumbered 97.65, and 97.65 (1), (2), (3)
19 and (4), as renumbered, are amended to read:

20 **97.65 Enforcement.** (1) The department may enter, at reasonable hours, any
21 premises for which a permit license is required under this subchapter or s. ~~254.47~~
22 97.67 to inspect the premises, secure samples or specimens, examine and copy
23 relevant documents and records or obtain photographic or other evidence needed to
24 enforce this subchapter or s. ~~254.47~~ 97.67. If samples of food are taken, the
25 department shall pay or offer to pay the market value of the samples taken. The

1 department shall examine the samples and specimens secured and shall conduct
2 other inspections and examinations needed to determine whether there is a violation
3 of this subchapter, s. ~~254.47~~ 97.67 or rules promulgated by the department under this
4 subchapter or s. ~~254.47~~ 97.67.

5 (2) (a) Whenever, as a result of an examination, the department has reasonable
6 cause to believe that any examined food constitutes, or that any construction,
7 sanitary condition, operation or method of operation of the premises or equipment
8 used on the premises creates, an immediate danger to health, the administrator of
9 the division of the department responsible for public health may issue a temporary
10 order and cause it to be delivered to the ~~permittee~~ licensee, or to the owner or
11 custodian of the food, or to both. The order may prohibit the sale or movement of the
12 food for any purpose, prohibit the continued operation or method of operation of
13 specific equipment, require the premises to cease other operations or methods of
14 operation which create the immediate danger to health, or set forth any combination
15 of these requirements. The administrator may order the cessation of all operations
16 authorized by the ~~permit~~ license only if a more limited order does not remove the
17 immediate danger to health. Except as provided in par. (c), no temporary order is
18 effective for longer than 14 days from the time of its delivery, but a temporary order
19 may be reissued for one additional 14-day period, if necessary to complete the
20 analysis or examination of samples, specimens or other evidence.

21 (b) No food described in a temporary order issued and delivered under par. (a)
22 may be sold or moved and no operation or method of operation prohibited by the
23 temporary order may be resumed without the approval of the department, until the
24 order has terminated or the time period specified in par. (a) has run out, whichever
25 occurs first. If the department, upon completed analysis and examination,

1 determines that the food, construction, sanitary condition, operation or method of
2 operation of the premises or equipment does not constitute an immediate danger to
3 health, the ~~permittee~~ licensee, owner, or custodian of the food or premises shall be
4 promptly notified in writing and the temporary order shall terminate upon his or her
5 receipt of the written notice.

6 (c) If the analysis or examination shows that the food, construction, sanitary
7 condition, operation or method of operation of the premises or equipment constitutes
8 an immediate danger to health, the ~~permittee~~ licensee, owner, or custodian shall be
9 notified within the effective period of the temporary order issued under par. (a).
10 Upon receipt of the notice, the temporary order remains in effect until a final decision
11 is issued under sub. (3), and no food described in the temporary order may be sold
12 or moved and no operation or method of operation prohibited by the order may be
13 resumed without the approval of the department.

14 (3) A notice issued under sub. (2) (c) shall be accompanied by a statement which
15 informs the ~~permittee~~ licensee, owner, or custodian that he or she has a right to
16 request a hearing in writing within 15 days after issuance of the notice. The
17 department shall hold a hearing no later than 15 days after the department receives
18 the written request for a hearing, unless both parties agree to a later date. A final
19 decision shall be issued under s. 227.47 within 10 days of the conclusion of the
20 hearing. The decision may order the destruction of food, the diversion of food to uses
21 which do not pose a danger to health, the modification of food so that it does not create
22 a danger to health, changes to or replacement of equipment or construction, other
23 changes in or cessations of any operation or method of operation of the equipment
24 or premises, or any combination of these actions necessary to remove the danger to
25 health. The decision may order the cessation of all operations authorized by the

1 ~~permit license~~ only if a more limited order will not remove the immediate danger to
2 health.

3 (4) A proceeding under this section, or the issuance of a ~~permit license~~ for the
4 premises after notification of procedures under this section, does not constitute a
5 waiver by the department of its authority to rely on a violation of this subchapter,
6 s. ~~254.47 97.67~~, or any rule promulgated under this subchapter or s. ~~254.47 97.67~~ as
7 the basis for any subsequent suspension or revocation of the ~~permit license~~ or any
8 other enforcement action arising out of the violation.

9 **SECTION 139.** 254.86 of the statutes is renumbered 97.71 and amended to read:

10 **97.71 Suspension or revocation of permit license.** The department or a
11 local health department designated as an agent under s. ~~254.69 97.615 (2) or 97.41~~
12 ~~(2)~~ may refuse or withhold issuance of a ~~permit license under this chapter~~ or may
13 suspend or revoke a ~~permit license~~ for violation of this ~~subchapter~~ ~~chapter~~ or any rule
14 or order of the department of health services, ordinance of the village, city or county
15 or regulation of the local board of health.

16 **SECTION 140.** 254.87 of the statutes is repealed.

17 **SECTION 141.** 254.88 of the statutes is repealed.

18 **SECTION 142.** 321.60 (1) (a) 4. of the statutes, as affected by 2015 Wisconsin Act
19 (this act), is amended to read:

20 321.60 (1) (a) 4. A license, certificate of approval, provisional license,
21 conditional license, certification, certification card, registration, permit, training
22 permit, or approval specified in s. 49.45 (2) (a) 11., 51.42 (7) (b) 11., 51.421 (3) (a),
23 ~~97.33 (2), 97.605 (1) (a) or (b), 254.176, 254.178 (2) (a), 254.20 (2), (3), or (4), 254.64~~
24 ~~(1) (a) or (b), 254.71 (2), 256.15 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f), or 343.305~~

1 (6) (a) or a ~~permit~~ license for the operation of a campground specified in s. 254.47 (1)
2 97.67 (1).

****NOTE: This is reconciled s. 321.60 (1) (a) 4. This SECTION has been affected by
drafts with the following LRB numbers: -0602/P3 and -0807/P5.

3 **SECTION 143.** 350.01 (9m) (a) of the statutes is amended to read:

4 350.01 (9m) (a) A bed and breakfast establishment, as defined in s. 254.61 (1)
5 97.01 (1g).

6 **SECTION 144.** 350.01 (9m) (b) of the statutes is amended to read:

7 350.01 (9m) (b) A hotel, as defined in s. 254.61 (3) 97.01 (7).

8 **SECTION 145.** 350.01 (9m) (c) of the statutes is amended to read:

9 350.01 (9m) (c) A tourist rooming house, as defined in s. 254.61 (6) 97.01 (15k).

10 **SECTION 146.** 941.237 (1) (dm) of the statutes is amended to read:

11 941.237 (1) (dm) "Hotel" has the meaning given in s. 254.61 (3) 97.01 (7).

12 **SECTION 9118. Nonstatutory provisions; Health Services.**

13 (1) TRANSFER OF FOOD SAFETY, RECREATIONAL FACILITIES, AND LODGING.

14 (a) *Assets and liabilities.* The assets and liabilities of the department of health
15 services that the secretary of administration determines to be primarily related to
16 food, lodging, and recreation oversight under sections 252.18, 254.47, and 254.61 to
17 254.87, 2013 stats., become the assets and liabilities of the department of
18 agriculture, trade and consumer protection on the effective date of this paragraph.

19 (b) *Employee transfer.* All incumbent employees who hold positions in the
20 department of health services performing duties that the secretary of administration
21 determines to be primarily related to sections 252.18, 254.47, and 254.61 to 254.87,
22 2013 stats., and the full-time equivalent positions held by those employees, are

1 transferred to the department of agriculture, trade and consumer protection on the
2 effective date of this paragraph.

3 (c) *Employee status.* Employees transferred under paragraph (b) have all the
4 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
5 statutes in the department of agriculture, trade and consumer protection that they
6 enjoyed in the department of health services immediately before the transfer.
7 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
8 has attained permanent status in class is required to serve a probationary period.

9 (d) *Tangible personal property.* On the effective date of this paragraph, all
10 tangible personal property, including records, of the department of health services
11 that the secretary of administration determines to be primarily related to food,
12 lodging, and recreation oversight under sections 252.18, 254.47, and 254.61 to
13 254.87, 2013 stats., is transferred to the department of agriculture, trade and
14 consumer protection.

15 (e) *Contracts.* All contracts that were entered into by the department of health
16 services that the secretary of administration determines to be primarily related to
17 food, lodging, and recreation oversight under sections 252.18, 254.47, and 254.61 to
18 254.87, 2013 stats., and that are in effect on the effective date of this paragraph
19 remain in effect and are transferred to the department of agriculture, trade and
20 consumer protection. The department of agriculture, trade and consumer protection
21 shall carry out any obligations under such a contract until the contract is modified
22 or rescinded by the department of agriculture, trade and consumer protection to the
23 extent allowed under the contract.

24 (f) *Rules and orders.* All rules in chapters DHS 172, 175, 178, 192, 195, 196,
25 196 appendix, 197, and 198, Wisconsin administrative code, and all other rules

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1 promulgated, and all orders issued, by the department of health services that the
2 secretary of administration determines to be primarily related to sections 252.18,
3 254.47, and 254.61 to 254.87, 2013 stats., and that are in effect on the effective date
4 of this paragraph shall remain in effect until their specified expiration date or until
5 amended or repealed by the department of agriculture, trade and consumer
6 protection.

7 (g) *Pending matters.* Any matter pending with the department of health
8 services on the effective date of this paragraph that the secretary of administration
9 determines to be related to food, lodging, and recreation oversight under section
10 252.18 or 254.47, or sections 254.61 to 254.87, 2013 stats., is transferred to the
11 department of agriculture, trade and consumer protection, and all materials
12 submitted to or actions taken by the department of health services with respect to
13 the pending matter are considered as having been submitted to or taken by the
14 department of agriculture, trade and consumer protection.

SECTION 9418. Effective dates; Health Services.

15 (1) TRANSFER OF FOOD SAFETY, RECREATIONAL FACILITIES, AND LODGING. The
16 treatment of sections 20.115 (1) (gb), 20.435 (1) (gm) (by SECTION 2), 29.541 (1) (a)
17 (intro.), 45.44 (1) (a) 14. (by SECTION 4), 49.857 (1) (d) 4. (by SECTION 5), 66.0417 (1),
18 (2), (3), and (4), 66.0435 (9), 66.0436 (1) and (2), 73.0301 (1) (d) 3. (by SECTION 13),
19 76.80 (3), 87.305 (1) (intro.), 93.06 (14), 93.07 (24) (e), 93.135 (1) (ng) and (nt), chapter
20 97 (title), subchapter I (title) of chapter 97, 97.01 (1), subchapter II (title) of chapter
21 97, 97.12 (1) and (5), 97.18 (5m), 97.20 (2) (e) 2., 97.25 (3), 97.29 (1) (c), (g) 3., and (h),
22 97.30 (1) (c), (2) (b) 1. c. and (c), (3m) (intro.), (a) (intro.), (b) (intro.), (c) (intro.), (cm),
23 and (d), 97.41 (1m) and (4) (a), 97.42 (3) (em), subchapter III (title) of chapter 97,
24 subchapter IV (title) of chapter 97, subchapter V (title) of chapter 97, 97.70, 97.703,
25

1 100.36, 101.05 (2), 101.123 (1) (bn) 1., 2., and 3. and (f), 101.128 (1) (c) and (e), 101.149
2 (1) (ag) and (cm), (5) (c), and (8) (a) (by SECTION 61), 101.63 (1) (intro.), 101.647 (1)
3 (am), 101.935 (2) (e) (by SECTION 64), 106.52 (1) (d) 1., 2., and 3., 108.227 (1) (e) 3. (by
4 SECTION 68), 125.02 (3r), (7), and (18), 125.06 (12), 125.07 (3) (a) 6. and 6m., 125.29
5 (6), 125.295 (2) (a) 3. and (b), 125.68 (5), 250.041 (1) (f), 252.02 (4), 252.18, 254.02 (3)
6 (a), 254.115 (1) (c), 254.47 (title), (1), (1g), (1m), (2), (2m), (3), (4), (5), (5m), (6), and
7 (7), subchapter VII (title) of chapter 254, 254.61 (title), (intro.), (1), (2), (3), (3m), (4),
8 (5), (5m), (5r), (6), (7), (8), (9), and (10), 254.62, 254.63, 254.64, 254.65, 254.66, 254.67,
9 254.68, 254.69, 254.70, 254.71, 254.715, 254.72, 254.73, 254.74, 254.76, 254.78,
10 254.79, 254.80, 254.81, 254.82, 254.83, 254.84 (title), (1), (2), (3), (4), (5), and (6),
11 254.85, 254.86, 254.87, 254.88, 321.60 (1) (a) 4. (by SECTION 142), 350.01 (9m) (a), (b),
12 and (c), and 941.237 (1) (dm) of the statutes, the repeal of section 259.041 (1) (e) of
13 the statutes, and SECTION 9118 (1) of this act take effect on July 1, 2016.

14

(END)