



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBs0049/1  
KP:amn

**SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 106**

May 30, 2019 - Offered by Senator PETROWSKI.

- 1 **AN ACT** *to renumber and amend* 97.41 (4) (c); *to amend* 97.30 (4) (b), 97.41 (4)  
2 (a) and 97.41 (5); and *to create* 97.41 (4) (am) of the statutes; **relating to:** micro  
3 market licensing fees.

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

This bill provides that a local health department that is granted agent status to issue retail food establishment licenses by the Department of Agriculture, Trade and Consumer Protection may conduct a pre-licensing inspection of a new micro market within two business days after the micro market operator submits a license application. The bill also authorizes local health departments to establish and collect fees for pre-licensing inspections of new micro markets; however, if a local health department collects a pre-licensing inspection fee from an operator of a new micro market, the operator is not required to pay an annual retail food establishment license fee. Under the bill, if a local health department does not conduct a pre-licensing inspection within two business days of receiving a license application from a new micro market operator, the local health department is required to issue

a retail food establishment license to the operator and inspect the micro market within one year after issuing the license.

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

1           **SECTION 1.** 97.30 (4) (b) of the statutes is amended to read:

2           97.30 (4) (b) An applicant for a retail food establishment license to be issued  
3 by an agent city or county shall pay the fee under sub. (3s) or s. 97.41 (4) (am) 1. b.  
4 if the application is for a micro market.

5           **SECTION 2.** 97.41 (4) (a) of the statutes is amended to read:

6           97.41 (4) (a) Except as provided in par. (b) ~~or (e)~~, a local health department  
7 granted agent status under this section shall establish and collect the license fee for  
8 retail food establishments, as defined in s. 97.30 (1) (c). The local health department  
9 may establish separate fees for pre-licensing inspections of new establishments, for  
10 pre-licensing inspections of existing establishments for which a person intends to be  
11 the new operator or for the issuance of duplicate licenses. No fee may exceed the local  
12 health department's reasonable costs of issuing licenses to, making investigations  
13 and inspections of, and providing education, training and technical assistance to the  
14 establishments, plus the state fee established under sub. (5). A local health  
15 department which is granted agent status under this section or under s. 97.615 may  
16 issue a single license and establish and collect a single fee which authorizes the  
17 operation on the same premises of more than one type of establishment with respect  
18 to which it is granted agent status under this section or under s. 97.615 (2). This  
19 paragraph does not apply to retail food establishments, as defined in s. 97.30 (1) (c),  
20 that are micro markets.

21           **SECTION 3.** 97.41 (4) (am) of the statutes is created to read:

1           97.41 (4) (am) 1. a. Within 2 business days after an applicant submits an  
2 application to a local health department granted agent status under this section for  
3 a license to operate a new retail food establishment, as defined in s. 97.30 (1) (c), that  
4 is a micro market, the local health department may inspect the applicant's new retail  
5 food establishment that is a micro market for the purposes provided in s. 97.30 (2)  
6 (d).

7           b. If a local health department granted agent status under this section conducts  
8 under subd. 1. a. an inspection of a new retail food establishment, as defined in s.  
9 97.30 (1) (c), before issuing a license, the local health department may establish and  
10 collect from the applicant a pre-licensing inspection fee of \$40 if the applicant will  
11 operate one micro market located within a single building or \$60 if the applicant will  
12 operate 2 or more micro markets located in the same building.

13           c. Notwithstanding subd. 2., a local health department that collects a fee from  
14 an applicant under this subdivision may not collect a fee under subd. 2. for an annual  
15 license from the applicant.

16           **SECTION 4.** 97.41 (4) (c) of the statutes is renumbered 97.41 (4) (am) 2. and  
17 amended to read:

18           97.41 (4) (am) 2. If a local health department granted agent status under this  
19 section does not under subd. 1. a. conduct a pre-licensing inspection of an applicant's  
20 new retail food establishment, as defined in s. 97.30 (1) (c), that is a micro market,  
21 the local health department shall issue a retail food establishment license to the  
22 applicant and before one year after the date that the license is issued the local health  
23 department shall inspect the applicant's new retail food establishment that is a  
24 micro market for the purposes provided in s. 97.30 (2) (d). A local health department  
25 granted agent status under this section shall collect the license fees under s. 97.30

1 (3s) for retail food establishments, as defined in s. 97.30 (1) (c), that are micro  
2 markets.

3 **SECTION 5.** 97.41 (5) of the statutes is amended to read:

4 97.41 (5) The department shall establish state fees for its costs related to  
5 setting standards for retail food establishments, as defined in s. 97.30 (1) (c), setting  
6 standards for agents under this section and monitoring and evaluating the activities  
7 of, and providing education and training to, agent local health departments. Agent  
8 local health departments shall include the state fees in the license fees established  
9 under sub. (4) (a) or (am), collect the state fees, and reimburse the department for  
10 the state fees collected. The state fee may not exceed 20 percent of the license fee  
11 charged under s. 97.30 (3), or for a retail food establishment that is a micro market,  
12 20 percent of the license fee charged under s. 97.30 (3s), for a license issued by the  
13 department.

14 (END)