

2019 DRAFTING REQUEST

Bill

For: **Patrick Snyder (608) 266-0654** Drafter: **mpfotenh**
 By: **Storm** Secondary Drafters:
 Date: **11/29/2018** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Snyder@legis.wisconsin.gov**
 Carbon copy (CC) to: **mary.pfotenhauer@legis.wisconsin.gov**
konrad.paczuski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Requiring restaurants to include menu disclosures relating to allergens

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mpfotenh 12/11/2018	ccarmich 12/18/2018			
/P1	mpfotenh 1/8/2019	ccarmich 1/9/2019	dwalker 12/18/2018		State S&L
/P2	mpfotenh 1/22/2019	ccarmich 1/22/2019	lparisi 1/9/2019		State S&L
/P3	mpfotenh 2/26/2019	aernstr 2/26/2019	lparisi 1/22/2019		State S&L
/P4	mpfotenh	aernstr	lparisi		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	3/12/2019	3/13/2019	2/26/2019		S&L
/P5			dwalker 3/13/2019		State S&L
/1	mpfotenh 4/24/2019		lparisi 4/24/2019	lparisi 4/24/2019	State S&L

FE Sent For:

<END>

→ At
Intro.

Pfotenhauer, Mary

From: Trendel, Storm
Sent: Friday, November 30, 2018 1:33 PM
To: Pfotenhauer, Mary
Subject: RE: P draft request

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Mary-

Thanks for the in-depth explanation! This is really helpful. I would lean towards more of “retail food establishments” then for these bills. I created a chart below to answer the types of places I would want each requirement to apply to.

Type	Menu statement	Poster
Traditional sit-down restaurants (with physical menus)	Yes	Yes
Fast-food restaurants (with menus on boards/walls)	Yes	Yes
Coffee shops	Yes	Yes
Food carts	Yes	Yes
Grocery deli counters	No	Yes
School/college lunchrooms	Yes	Yes
Micro markets (unstaffed places where you buy food at an automated kiosk)	No	No
Concession stands at sporting events	No	No

Tentatively, let's not include an employee requirement for when the poster requirement comes into effect. As for the menu statement, does the chart above help answer that? I think I would want coffee shops to be required to have menu statement but generally they do not hand out menus, so I am not sure how that requirement works. Thoughts?

Thanks again for your help on this!

Storm Trendel

Office of Representative Patrick Snyder
85th Assembly District
Room 9 West, State Capitol Building
608-266-0654 (office)

From: Pfotenhauer, Mary <Mary.Pfotenhauer@legis.wisconsin.gov>
Sent: Thursday, November 29, 2018 5:04 PM

To: Trendel, Storm <Storm.Trendel@legis.wisconsin.gov>

Subject: RE: P draft request

Hi Storm!

Well, not quite. (Sorry.)

A “retail food establishment” is a place that (1) processes food and sells it on-site; or (2) sells potentially hazardous food from a mobile facility; or (3) sells food to consumers from a permanent location. “Food processing,” under option (1), means preparing food for sale by “canning, extracting, fermenting, distilling, pickling, freezing, baking, drying, smoking, grinding, cutting, mixing, coating, stuffing, packing, bottling, or packaging, or through any other treatment or preservation process.” (So it’s pretty expansive, but requires the processing to be done “for sale.”)

So, for example, a tavern that serves free lunches (under 97.01 (14g) (a)) wouldn’t be a “retail food establishment” (and wouldn’t need a DATCP license), because the lunches are free—they don’t meet the “for sale” requirement. Similarly, a potluck event (under 97.01 (14g) (h)) wouldn’t be a “retail food establishment.” In contrast, school and college lunchrooms (under 97.01 (14g) (c) and (f)) that sell food, and micro markets (under 97.01 (14g) (i)), are usually “retail food establishments.” And bed and breakfasts and vending machines are licensed in a different way, so while they might fall under the definition of a “retail food establishment,” they are usually not subject to the “retail food establishment” requirements.

“Restaurants” are set off as their own separate subset of retail food establishment because they are subject to additional fees, inspections, and food safety training requirements that other retail food establishments are not subject to.

It might be easier to approach this if you give me sense of what types of places you do and don’t want included—which might be different for the employee signage requirements than for the menu disclosure requirements. Maybe to get started you could go through this list and give me a yes/no on whether you want the employee signage and/or menu disclosure requirements to apply:

Traditional sit-down restaurants (with physical menus)

Fast-food restaurants (with menus on boards/walls)

Coffee shops

Food carts

Grocery deli counters

School/college lunchrooms

Micro markets (unstaffed places where you buy food at an automated kiosk)

Concession stands at sporting events

For requiring signs in employee areas, you might also want to think about whether you want a threshold amount of employees before the requirement applies. Similarly, there might be a threshold where you want the menu disclosure requirements to kick in: i.e., if there is a menu posted somewhere, or if a menu is given to customers, etc.

Sincerely,

Mary Pfothenauer

Legislative Attorney

Wisconsin Legislative Reference Bureau

P.O. Box 2037

Madison, WI 53701-2037

(608) 504-5854

mary.pfothenauer@legis.wisconsin.gov

From: Trendel, Storm <Storm.Trendel@legis.wisconsin.gov>
Sent: Thursday, November 29, 2018 1:36 PM
To: Pfothenauer, Mary <Mary.Pfothenauer@legis.wisconsin.gov>
Subject: RE: P draft request

Hi Mary,

Thanks for making this distinction for me. So to be clear, a "retail food establishment" would include items (a)-(i), which are not included in the definition of restaurant?

Thanks,

Storm

From: Pfothenauer, Mary <Mary.Pfothenauer@legis.wisconsin.gov>
Sent: Wednesday, November 28, 2018 4:26 PM
To: Trendel, Storm <Storm.Trendel@legis.wisconsin.gov>
Subject: RE: P draft request

Hi, Storm:

Under s. 97.01 (14g): "Restaurant" means any building, room or place at which the predominant activity is the preparation, service, or sale of meals to transients or the general public, including all places used in connection with it and including any public or private school lunchroom for which food service is provided by contract. 'Meals' does not include soft drinks, ice cream, milk, milk drinks, ices and confections. 'Restaurant' does not include:

- (a) Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter.
- (b) Churches, religious, fraternal, youths' or patriotic organizations, service clubs and civic organizations which occasionally prepare, serve or sell meals to transients or the general public.
- (c) Any public or private school lunchroom for which food service is directly provided by the school, or a private individual selling foods from a movable or temporary stand at public farm sales.
- (d) Any bed and breakfast establishment that serves breakfasts only to its lodgers.
- (e) The serving of food or beverage through a licensed vending machine.
- (f) Any college campus, as defined in s. 36.05 (6m), institution as defined in s. 36.51 (1) (b) or technical college that serves meals only to the students enrolled in the college campus, institution or school or to authorized elderly persons under s. 36.51 or 38.36.
- (g) A concession stand at a locally sponsored sporting event, such as a little league game.
- (h) A potluck event.
- (i) The serving of food or beverage through a licensed micro market."

However, it looks like some of the states that have menu disclosure/employee signage requirements apply those requirements more broadly to any food service establishment, not just a "restaurant." You might want to look at our definition of "retail food establishment" under s. 97.30 (1) (c): "Retail food establishment" means a permanent or mobile food processing facility where food processing is conducted primarily for direct retail sale to consumers at the facility, a mobile facility from which potentially hazardous food is sold to consumers at retail or a permanent facility from which food is sold to consumers at retail, whether or not that facility sells potentially hazardous food or is engaged in food processing. 'Retail food establishment' includes a restaurant or temporary restaurant, but does not include an establishment holding a license under s. 97.605, to the extent that the activities of the establishment are covered by that license." Under current state law, all retail food establishments (which includes restaurants but also includes things like food carts) must obtain a license from DATCP.

There aren't any general menu disclosure requirements for restaurants under state law currently (there are specific requirements for specific sellers, e.g., requiring certain signage for homemade pickles sold without a food processing license or for sellers of kosher meats). However, under federal law, certain larger chain restaurants must display calorie information and provide additional nutritional information upon request. Federal law also requires pre-packaged (but not restaurant) foods to disclose allergens and include a list of ingredients.

Let me know what types of establishments you'd like this to apply to: restaurants, retail food establishments, or some combination of the two. Because this will be an entirely new requirement, there's no reason you can't tailor it to specifically include certain types of places and exclude others. And feel free to give me a call if you'd like to talk about any of this.

Sincerely,

Mary Pfotenhauer
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504-5854
mary.pfotenhauer@legis.wisconsin.gov

From: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Sent: Wednesday, November 28, 2018 11:24 AM
To: Trendel, Storm <Storm.Trendel@legis.wisconsin.gov>
Cc: Pfotenhauer, Mary <Mary.Pfotenhauer@legis.wisconsin.gov>
Subject: FW: P draft request

Storm,

I am forwarding your request to another drafter who deals with restaurants. Restaurants are regulated by DATCP or locally, so this will be handled by Mary who does drafting in that area.

-Mike

From: Trendel, Storm <Storm.Trendel@legis.wisconsin.gov>
Sent: Wednesday, November 28, 2018 10:45 AM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Subject: RE: P draft request

Hi Mike,

Yes, that is correct. My general understanding is that other states who have created similar legislation include only restaurants. What is all included in restaurants? Does that include fast food, coffee shops, etc? I am not sure how we would implement for those types of places. Are they required to have other mandatory menu statements?

Thanks,

Storm

From: Duchek, Michael
Sent: Wednesday, November 28, 2018 9:57 AM
To: Trendel, Storm <Storm.Trendel@legis.wisconsin.gov>
Subject: RE: P draft request

It sounds like you are talking about restaurants here, correct?

-Mike

From: Trendel, Storm <Storm.Trendel@legis.wisconsin.gov>
Sent: Wednesday, November 28, 2018 9:44 AM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Subject: P draft request

Hi Michael,

Rep. Snyder is looking to introduce legislation in the upcoming session relating to food allergies—I was not sure who would be best suited to draft this request, so please feel free to pass this along if it belongs in someone else's issue area.

We have two ideas we would like drafted and we would prefer them to be in separate bills, unless you advise otherwise.

1. The first request is to create a requirement in statute for an educational poster to be displayed in an area that employees frequent. We would like to include a few basic requirements to be listed on the poster: the 8 major food allergens, what to do if a person is having an allergic reaction, sources of cross contamination, and "the four R's". An example poster can be found here: <https://www.servsafe.com/poster/allergens>. Please include in the legislation that food service providers will have one year to comply with this requirement.
2. The second request is a mandatory menu statement along the lines of "Before placing your order, please inform your server if a person in your party has a food allergy". We would like this requirement to be worded similar to other menu disclaimer requirements. Again, we would like to require compliance within one year of bill passage.

As far as timeline goes, this obviously won't be worked on until January, so it isn't super urgent. We would like to have it out for circulation early next year though. Please feel free to reach out if you have further questions on this request.

Thanks!

Storm Trendel
Office of Representative Patrick Snyder
85th Assembly District
Room 9 West, State Capitol Building
608-266-0654 (office)



State of Wisconsin
2019 - 2020 LEGISLATURE

181
LRB-0971(?)

In 12/11
No due date

...
MCP

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SIA
X-ref
SIC

gc

1 AN ACT ...; **relating to:** requiring disclosures relating to food allergies on menus
2 at restaurants and certain retail food establishments.

Analysis by the Legislative Reference Bureau

Under this bill, restaurants and certain other retail food establishments that provide a menu to customers, either by providing a physical menu or posting or displaying a menu in a visible area, must include on the menu a conspicuous statement that reads: "Before placing your order, please inform your server if a person in your party has a food allergy."

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:

3 SECTION 1. 97.31 of the statutes is created to read:
4 **97.31 Food allergy menu disclosures.** (1) Except as provided under sub.
5 (2), a retail food establishment, as defined under s. 97.30 (1) (c), shall conspicuously
6 display on any menu provided to customers or on any menu board visible to

1 customers: "Before placing your order, please inform your server if a person in your
2 party has a food allergy."

3 (2) The requirement under sub. (1) does not apply to any of the following:

4 (a) A micro market.

5 (b) A concession stand at a locally sponsored sporting event, such as a little
6 league game.

7 (c) A grocery store, regardless of whether it is required to have a retail food
8 establishment license under s. 97.30.

~~9~~

10

(END)



1/8/19

-0971/P1

Redraft instructions: (per Storm)

- the exemption from the menu disclosure requirements should not apply to cafes/restaurants within a grocery store - regardless of whether that restaurant needs its own 97.30 license (ie is owned/operated by a third party) or does not (ie is owned/operated by the grocery store).

- MCP



State of Wisconsin
2019 - 2020 LEGISLATURE

1P2
LRB-0971/P1
MCP:cdc

In 1/8
No due date

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 legen
1 **AN ACT to create** 97.31 of the statutes; **relating to:** requiring disclosures
2 relating to food allergies on menus at restaurants and certain retail food
3 establishments.

Analysis by the Legislative Reference Bureau

Under this bill, restaurants and certain other retail food establishments that provide a menu to customers, either by providing a physical menu or posting or displaying a menu in a visible area, must include on the menu a conspicuous statement that reads: "Before placing your order, please inform your server if a person in your party has a food allergy."

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1 customers: "Before placing your order, please inform your server if a person in your
2 party has a food allergy."

3 (2) The requirement under sub. (1) does not apply to any of the following:

4 (a) A micro market.

5 (b) A concession stand at a locally sponsored sporting event, such as a little
6 league game.

7 (c) A grocery store, regardless of whether it is required to have a retail food
8 establishment license under s. 97.30.

9 (END)

This paragraph does not apply to a retail food establishment located within a grocery store, regardless of whether the establishment is owned or operated by the grocery store or by another party.

Pfotenhauer, Mary

From: Trendel, Storm
Sent: Tuesday, January 22, 2019 9:10 AM
To: Pfotenhauer, Mary
Subject: Food allergy bills-0970 & 0971

Hi Mary,

Can I have a P3 draft of both food allergy bills that allows 1 year for restaurants to comply with the new changes—essentially, we don't want to make restaurants print all new menus immediately. We do want the 1 year implementation to apply for the food poster too.

Thanks,

Storm Trendel
Office of Representative Patrick Snyder
85th Assembly District
Room 307 North, State Capitol Building
608-266-0654 (office)

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0971/P2ins
MCP:cdc

1

INSERT 2-9

2

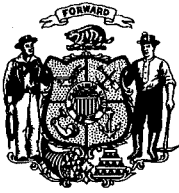
SECTION 1. Effective date.

3

(1) This act takes effect on the first day of the 13th month beginning after

4

publication.



State of Wisconsin
2019 - 2020 LEGISLATURE

In 1/22 Out 1/22

1P3
LRB-0971/P2
MCP:cdc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Insert

1 AN ACT *to create* 97.31 of the statutes; **relating to:** requiring disclosures
2 relating to food allergies on menus at restaurants and certain retail food
3 establishments.

Analysis by the Legislative Reference Bureau

Under this bill, restaurants and certain other retail food establishments that provide a menu to customers, either by providing a physical menu or posting or displaying a menu in a visible area, must include on the menu a conspicuous statement that reads: "Before placing your order, please inform your server if a person in your party has a food allergy."

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:

4 SECTION 1. 97.31 of the statutes is created to read:
5 **97.31 Food allergy menu disclosures.** (1) Except as provided under sub.
6 (2), a retail food establishment, as defined under s. 97.30 (1) (c), shall conspicuously
7 display on any menu provided to customers or on any menu board visible to

1 customers: "Before placing your order, please inform your server if a person in your
2 party has a food allergy."

3 (2) The requirement under sub. (1) does not apply to any of the following:

4 (a) A micro market.

5 (b) A concession stand at a locally sponsored sporting event, such as a little
6 league game.

7 (c) A grocery store. This paragraph does not apply to a retail food establishment
8 located within a grocery store, regardless of whether the establishment is owned or

9 operated by the grocery store or by another party.

Ins 2-9 →

10

(END)

Pfotenhauer, Mary

From: Trendel, Storm
Sent: Tuesday, February 26, 2019 9:52 AM
To: Pfotenhauer, Mary
Subject: RE: deli counters -0971

Hi Mary,

That sounds great, let's go ahead with another P draft with that language.

Thanks!

Storm Trendel

Office of Representative Patrick Snyder
85th Assembly District
Room 307 North, State Capitol Building
608-266-0654 (office)

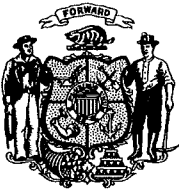
From: Pfotenhauer, Mary <Mary.Pfotenhauer@legis.wisconsin.gov>
Sent: Thursday, February 21, 2019 10:53 AM
To: Trendel, Storm <Storm.Trendel@legis.wisconsin.gov>
Subject: deli counters -0971

Hi, Storm:

Looking at this draft, I like your suggestion for the exemption from the menu requirement under (2) (c) to read: "A grocery store deli counter." This is simple and I think it captures what you want (and don't want). Let me know if that's the change you'd like.

Sincerely,

Mary Pfotenhauer
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504-5854
mary.pfotenhauer@legis.wisconsin.gov



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0971/P3
MCP:cdc rabe

In 2/26
Out today if possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

The bill provides an exemption for micro markets, concession stands, and grocery stores, deli counters.

1 AN ACT to create 97.31 of the statutes; relating to: requiring disclosures
2 a statement relating to food allergies on menus at restaurants and certain retail food
3 establishments.

Analysis by the Legislative Reference Bureau

Under this bill, restaurants and certain other retail food establishments that provide a menu to customers, either by providing a physical menu or posting or displaying a menu in a visible area, must include on the menu a conspicuous statement that reads: "Before placing your order, please inform your server if a person in your party has a food allergy."

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:

4 SECTION 1. 97.31 of the statutes is created to read:
5 **97.31 Food allergy menu disclosures.** (1) Except as provided under sub.
6 (2), a retail food establishment, as defined under s. 97.30 (1) (c), shall conspicuously
7 display on any menu provided to customers or on any menu board visible to

1 customers: "Before placing your order, please inform your server if a person in your
2 party has a food allergy."

3 (2) The requirement under sub. (1) does not apply to any of the following:

4 (a) A micro market.

5 (b) A concession stand at a locally sponsored sporting event, such as a little
6 league game.

7 (c) A grocery store. ^{deli counter} This paragraph does not apply to a retail food establishment
8 located within a grocery store, regardless of whether the establishment is owned or
9 operated by the grocery store or by another party.

10 **SECTION 2. Effective date.**

11 (1) This act takes effect on the first day of the 13th month beginning after
12 publication.

13 (END)

Pfotenhauer, Mary

From: Linjer, Storm
Sent: Tuesday, March 12, 2019 4:20 PM
To: Pfotenhauer, Mary
Subject: RE: deli counters -0971

Hi Mary,

You are probably right about this—I don't think there would be more than one menu board for pre-made vs made-to-order items. Can I get a new draft with the language you suggested (“(c) A retail store deli counter, unless the retail store deli counter prepares meals for customers based on the customer's order.”)

Thanks!

Storm

From: Pfotenhauer, Mary <Mary.Pfotenhauer@legis.wisconsin.gov>
Sent: Tuesday, March 12, 2019 4:11 PM
To: Linjer, Storm <Storm.Linjer@legis.wisconsin.gov>
Subject: RE: deli counters -0971

The main requirement under the bill applies to places that provide a menu or have a menu board posted. So, if a counter serves both premade items and made-to-order items and has a menu board posted somewhere, then that board would have to include the “please let us know if you have allergies” language.

If a counter only sold premade items but had a menu board posted, they wouldn't have to post the required language on the menu board.

I'm guessing a counter that sells both premade and made-to-order items would probably have a single menu board (if it has one at all). If such a place would have multiple menus posted, I can tighten the language up to apply only to the menu for made-to-order items.

Mary Pfotenhauer
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504-5854
mary.pfotenhauer@legis.wisconsin.gov

From: Linjer, Storm <Storm.Linjer@legis.wisconsin.gov>
Sent: Tuesday, March 12, 2019 4:03 PM
To: Pfotenhauer, Mary <Mary.Pfotenhauer@legis.wisconsin.gov>
Subject: RE: deli counters -0971

Hi Mary,

I think that sounds good. One question about that language though: would it include pre-made items at a deli counter that also serves made-to-order items? I want only the items that are made-to-order to be included.

Thanks,

Storm

From: Pfothenauer, Mary <Mary.Pfothenauer@legis.wisconsin.gov>
Sent: Tuesday, March 12, 2019 2:58 PM
To: Linjer, Storm <Storm.Linjer@legis.wisconsin.gov>
Subject: RE: deli counters -0971

That does make sense, thanks! Okay, in that case, what about this:

(2) The requirement under sub. (1) does not apply to any of the following:

...

(c) A retail store deli counter, unless the retail store deli counter prepares meals for customers based on the customer's order.

I think we need something specifically about the "customer's order" in here. Otherwise a "meal" might include pre-made, pre-packaged items.

I don't think we need to specifically define "meal" here. The term "meal" is used elsewhere in the statutes without being defined. DATCP has defined "meal" in its food code to include much of the proposed language from the previous email:

ATCP s. 75.103 (3m)

(a) "Meal" means any ready-to-eat food served or sold to the general public in individual or prepackaged single portions or servings for immediate on-premises consumption, or transported off-premises in individual prepackaged carryout servings for immediate consumption, or specifically preordered individual or multiple serving portions which are transported to an off-premises location for immediate consumption.

(b) "Meal" includes but is not limited to sandwiches, individual portions of cured and pickled food sold from bulk containers, hard boiled eggs, hot ready-to-eat soup, or raw or cooked processed foods sold or served in individual portions.

(c) "Meal" does not include soft drinks, ice cream, milk, milk drinks, coffee, tea, ices, confections, pastry items, or food items sold by the weight, count, or piece in individual packages which require further preparation for consumption at another location.

I also don't think we need language about bite-sized samples here, if we use language about "a customer's order," because a deli counter wouldn't prepare such a sample based on a customer's order (they'd already be prepared).

Sincerely,

Mary Pfothenauer
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504-5854
mary.pfothenauer@legis.wisconsin.gov

From: Linjer, Storm <Storm.Linjer@legis.wisconsin.gov>
Sent: Friday, March 08, 2019 4:37 PM
To: Pfothenauer, Mary <Mary.Pfothenauer@legis.wisconsin.gov>
Subject: RE: deli counters -0971

Hi Mary,

Thanks for your patience as I figure this out. The intent is to ensure that food that is requested by and prepared for the customer be subject to the menu statement. For example, if you go to HyVee, there is a pizza station where you can order your toppings, crust size, etc. That should be under the menu requirement but pre-made potato salad that just needs to be dished up shouldn't be included. Does that makes sense?

Thanks,

Storm Linjer

Office of Representative Patrick Snyder
85th Assembly District
Room 307 North, State Capitol Building
608-266-0654 (office)

From: Pfothenauer, Mary <Mary.Pfothenauer@legis.wisconsin.gov>
Sent: Tuesday, March 05, 2019 1:52 PM
To: Linjer, Storm <Storm.Linjer@legis.wisconsin.gov>
Subject: RE: deli counters -0971

Hi, Storm:

I'm not sure I understand the intent of the proposed change.

Under the proposed language in your email, the requirement to include an allergy statement on a menu would not apply to (for example) a grocery store deli counter that sells only meat or fish, because that food is not "ready to eat." However, the allergy statement requirement would apply to a menu at a grocery store deli counter that sells potato salad or sandwiches or tamales, because that food is "ready to eat." Is that the intent?

As for your concern, we could clarify that a deli counter only includes a place where an employee provides the food directly to the consumer, which would eliminate "self service" areas.

If I have the intent right above, and if you want to address your "self service" concern in the draft, I'd suggest the following:

(c) A retail store deli counter at which food is provided, by an employee directly to the consumer, in a form that is not ready to eat or in the form of bite-sized free samples.

Sincerely,

Mary Pfothenauer
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504-5854
mary.pfothenauer@legis.wisconsin.gov

From: Linjer, Storm <Storm.Linjer@legis.wisconsin.gov>
Sent: Monday, March 04, 2019 11:50 AM

To: Pfothenauer, Mary <Mary.Pfothenauer@legis.wisconsin.gov>

Subject: RE: deli counters -0971

Hi Mary,

After talking with stakeholders, they suggested this language to make the exemption relating to deli counters more defined:

(c) A retail store deli counter that does not sell food that is considered a meal. "Meal" means food that is ordered, prepared for, or served to a customer with or without a beverage and is obtained from the retail food establishment in a ready-to-eat form with the expectation of immediate consumption, although consumption may occur at another location. "Meal" does not include single-bite sized free food samples or an equivalent portion given away to demonstrate the characteristics of the food.

Here is my concern: there are deli counters that sell what I could consider a "meal" under this definition from "self service" type areas. Usually they are near a deli counter, but the deli counter staff isn't involved in the customer's selecting of the item, therefore, I don't know who the customer would report the allergy to and I think it could cause more confusion. Does this make sense or would that type of meal not be considered a "meal" under this definition?

Thanks,

Storm Linjer

Office of Representative Patrick Snyder
85th Assembly District
Room 307 North, State Capitol Building
608-266-0654 (office)

From: Pfothenauer, Mary <Mary.Pfothenauer@legis.wisconsin.gov>

Sent: Thursday, February 21, 2019 10:53 AM

To: Trendel, Storm <Storm.Trendel@legis.wisconsin.gov>

Subject: deli counters -0971

Hi, Storm:

Looking at this draft, I like your suggestion for the exemption from the menu requirement under (2) (c) to read: "A grocery store deli counter." This is simple and I think it captures what you want (and don't want). Let me know if that's the change you'd like.

Sincerely,

Mary Pfothenauer
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504-5854
mary.pfothenauer@legis.wisconsin.gov



State of Wisconsin
2019 - 2020 LEGISLATURE

175
LRB-0971/P4
MCP:cdc&ahe

In 3/12
Out 3/13

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to create** 97.31 of the statutes; **relating to:** requiring a statement
2 relating to food allergies on menus at retail food establishments.

Analysis by the Legislative Reference Bureau

Under this bill, restaurants and other retail food establishments that provide a menu to customers, either by providing a physical menu or posting or displaying a menu in a visible area, must include on the menu a conspicuous statement that reads: "Before placing your order, please inform your server if a person in your party has a food allergy." The bill provides an exemption for micro markets, concession stands, and ~~grocery store deli counters~~ that do not make made-to-order food items.

retail 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:

3 **SECTION 1.** 97.31 of the statutes is created to read:

4 **97.31 Food allergy menu disclosures.** (1) Except as provided under sub.
5 (2), a retail food establishment, as defined under s. 97.30 (1) (c), shall conspicuously
6 display on any menu provided to customers or on any menu board visible to

SECTION 1

1 customers: "Before placing your order, please inform your server if a person in your
2 party has a food allergy."

3 (2) The requirement under sub. (1) does not apply to any of the following:

4 (a) A micro market.

5 (b) A concession stand at a locally sponsored sporting event, such as a little
6 league game.

7 (c) A ^{grocery} store deli counter. *unless the retail store deli counter prepares meals for customers based on the customer's order*

8 **SECTION 2. Effective date.**

9 (1) This act takes effect on the first day of the 13th month beginning after
10 publication.

11 (END)

Pfotenhauer, Mary

From: Linjer, Storm
Sent: Wednesday, April 24, 2019 1:55 PM
To: Pfotenhauer, Mary
Cc: Johnson, Kelsey
Subject: RE: Draft review: LRB -0971/P5

Hi Mary,

Can I get a /1 draft and jacket for this bill? Can I also have 0970/P3 converted into a /1 and jacketed?

Thanks,

Storm Linjer
Office of Representative Patrick Snyder
85th Assembly District
Room 307 North, State Capitol Building
608-266-0654 (office)

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Wednesday, March 13, 2019 9:23 AM
To: Rep.Snyder <Rep.Snyder@legis.wisconsin.gov>
Subject: Draft review: LRB -0971/P5

Following is the PDF version of draft LRB -0971/P5.

*PAs: please jacket
for Assembly*



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0971/P5
MCP:cdc&ahe

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

11
No
changes

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