

State of Wisconsin



2019 Senate Bill 170

Date of enactment: **November 25, 2019**
Date of publication*: **November 26, 2019**

2019 WISCONSIN ACT 60

AN ACT *to amend* 97.30 (1) (c); and *to create* 66.0416 and 97.29 (1) (h) 12m. of the statutes; **relating to:** allowing minors to operate temporary stands without a permit or license.

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

SECTION 1. 66.0416 of the statutes is created to read:
66.0416 Stands operated by minors. (1) In this section:

(a) "Political subdivision" means a city, village, town, or county.

(b) "Stand operated by a minor" means a stand or other location at which goods other than potentially hazardous food, as defined in s. 97.30 (1) (bm), are sold in occasional sales, as defined in s. 77.51 (9), directly to consumers; that operates on a temporary, occasional basis; and that is operated solely by a person or persons under the age of 18 on private property with the permission of the property owner.

(2) No political subdivision may do any of the following:

(a) Enact an ordinance or adopt a resolution that prohibits a stand operated by a minor.

(b) Require a license or permit for, or impose a fee, charge, or surcharge on, any stand operated by a minor.

(3) If a political subdivision has enacted an ordinance or adopted a resolution before the effective date of this

subsection [LRB inserts date], that is inconsistent with sub. (2), the ordinance or resolution does not apply and may not be enforced.

SECTION 2. 97.29 (1) (h) 12m. of the statutes is created to read:

97.29 (1) (h) 12m. A place used to process food for sale at a stand operated by a minor, as defined in s. 66.0416 (1) (b).

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

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~~ "Retail food establishment" 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, or a stand operated by a minor, as defined in s. 66.0416 (1) (b).

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."