

State of Wisconsin



2013 Assembly Bill 589

Date of enactment: April 16, 2014
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2013 WISCONSIN ACT 298

AN ACT *to renumber and amend* 254.64 (5); *to amend* 97.30 (2) (a); and *to create* 97.30 (2) (am) and 254.64 (5) (b) of the statutes; **relating to:** issuance by a first class city of a license for a retail food establishment and a permit for a restaurant or bed and breakfast establishment.

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

SECTION 1. 97.30 (2) (a) of the statutes is amended to read:

97.30 (2) (a) *Requirement.* Except as provided under par. (b), no person may operate a retail food establishment without a valid license issued by the department or an agent city or county. Licenses Except as provided in par. (am), licenses expire on June 30 annually. Each retail food establishment shall have a separate license. A license is not transferable between persons or establishments. Application for a license shall be made on a form provided by the department, or by the agent city or county, and be accompanied by the applicable fees required under sub. (3) or s. 97.41. An application shall indicate whether food processing is conducted at the establishment and shall specify the nature of any food processing activities. An application shall include other information reasonably required by the department, or by the agent city or county, for licensing purposes.

SECTION 2. 97.30 (2) (am) of the statutes is created to read:

97.30 (2) (am) *License issuance for a retail food establishment located in a city of the 1st class.* 1. The local health department of a city of the 1st class that has

entered into an agreement with the department under s. 97.41 (1m) may issue to a retail food establishment the license required under par. (a) at any time during the year. A license issued under this subdivision shall expire one year from the date of its issuance.

2. A retail food establishment may request an extension to the term of a license issued under par. (a) by the local health department of a city of the 1st class that has entered into an agreement with the department under s. 97.41 (1m) for the purpose of aligning the annual term of any other license or permit issued to that retail food establishment with the annual term of a license to be issued to that retail food establishment under subd. 1. The local health department may require a retail food establishment that receives an extension under this subdivision to pay a prorated fee in an amount determined by dividing the license fee imposed under s. 97.41 (4) by 12 and multiplying the quotient by the number of months by which the license issued under par. (a) is extended under this subdivision.

SECTION 3. 254.64 (5) of the statutes is renumbered 254.64 (5) (a) and amended to read:

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

* 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."

SECTION 4. 254.64 (5) (b) of the statutes is created to read:

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

2. The holder of a permit for a restaurant or bed and breakfast establishment may request an extension to the term of a permit issued under this section by the local

health department of a city of the 1st class that has entered into an agreement with the department under s. 254.69 (2) for the purpose of aligning the annual term of any other license or permit issued to that permit holder with the annual term of a permit to be issued to that permit holder under subd. 1. The local health department may require a permit holder that receives an extension under this subdivision to pay a prorated fee in an amount determined by dividing the permit fee imposed under s. 254.69 (2) by 12 and multiplying the quotient by the number of months by which the permit issued under this section is extended under this subdivision.
