

# State of Wisconsin



2019 Senate Bill 106

Date of enactment: **November 22, 2019**

Date of publication\*: **November 23, 2019**

## 2019 WISCONSIN ACT 51

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

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

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

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

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

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

more than one type of establishment with respect to which it is granted agent status under this section or under s. 97.615 (2). This paragraph does not apply to retail food establishments, as defined in s. 97.30 (1) (c), that are micro markets.

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

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

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

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

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

97.41 (4) (am) 2. If a local health department granted agent status under this section does not under subd. 1. a. conduct a pre-licensing inspection of an applicant's new retail food establishment, as defined in s. 97.30 (1) (c), that is a micro market, the local health department shall issue a retail food establishment license to the applicant and before one year after the date that the license is issued the local health department shall inspect the applicant's new retail food establishment that is a micro market for the purposes provided in s. 97.30 (2) (d). A local health department granted agent status under this section shall collect the license fees under s. 97.30 (3s) for retail food establishments, as defined in s. 97.30 (1) (c), that are micro markets.

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

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