

State of Misconsin 2023 - 2024 LEGISLATURE

LRB-1879/1 MDE:amn

2023 SENATE BILL 148

April 3, 2023 - Introduced by Senators Ballweg, Carpenter, Nass, Stroebel and Wanggaard, cosponsored by Representatives Magnafici, Callahan, Considine, Armstrong, Baldeh, Clancy, Duchow, Edming, Emerson, Kitchens, Krug, Novak, O'Connor, Penterman, Rozar, Schmidt, Schraa, VanderMeer and Wittke. Referred to Committee on Government Operations, Elections and Consumer Protection.

AUTHORS SUBJECT TO CHANGE

- 1 AN ACT to create 100.20 (2) (c) of the statutes; relating to: the sale or rental of
- 2 soda water beverage equipment and coin-operated vending machines.

Analysis by the Legislative Reference Bureau

This bill prohibits the Department of Agriculture, Trade and Consumer Protection from regulating the terms of sale or rental of soda water beverage equipment generally or the terms of sale or rental of coin-operated vending machines by soda water beverage wholesalers to retail food establishments. Current law authorizes DATCP to promulgate rules prohibiting methods of competition and trade practices that it determines are unfair. Using this authority, DATCP has promulgated rules regulating the terms of sale or rental of soda water beverage equipment and coin-operated vending machines when the equipment or machines are sold or rented out by wholesalers. Under this bill, DATCP may not issue orders, promulgate rules, or enforce existing rules that regulate the terms of sale or rental of soda water beverage equipment generally or the terms of sale or rental of coin-operated vending machines by soda water beverage wholesalers to retail food establishments.

For further information see the state 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:

SENATE BILL 148

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- **Section 1.** 100.20 (2) (c) of the statutes is created to read:
- 2 100.20 **(2)** (c) 1. In this paragraph:
- a. "Retail food establishment" has the meaning given in s. 97.30 (1) (c).
- b. "Soda water beverage" has the meaning given in s. 97.34 (1) (b).
 - 2. Notwithstanding par. (a), the department may not issue any order or promulgate any rule that regulates the terms of sale or rental of equipment for soda water beverages, other than coin-operated vending machines, or enforce any order or rule that regulates the terms of sale or rental of equipment for soda water beverages, other than coin-operated vending machines.
 - 3. Notwithstanding par. (a), the department may not issue any order or promulgate any rule that regulates the terms of sale or rental of coin-operated soda water vending machines by wholesalers of soda water beverages to retail food establishments or enforce any order or rule that regulates the terms of sale or rental of coin-operated soda water vending machines by wholesalers of soda water beverages to retail food establishments.

16 (END)