

State of Wisconsin



2015 Assembly Bill 17

Date of enactment: April 8, 2015
Date of publication*: April 9, 2015

2015 WISCONSIN ACT 9

AN ACT *to renumber and amend* 254.71 (3); *to amend* 254.71 (6) (b); and *to create* 254.71 (1g) (c), 254.71 (3) (b) and 254.71 (3g) of the statutes; **relating to:** renewal of a certificate of food protection practices for certificate holders that operate or manage a restaurant employing five or fewer food handlers.

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

SECTION 1. 254.71 (1g) (c) of the statutes is created to read:

254.71 (1g) (c) "Food handler" means an individual engaged in the preparation or processing of food at a restaurant and who is not a certificate holder.

SECTION 2. 254.71 (3) of the statutes is renumbered 254.71 (3) (intro.) and amended to read:

254.71 (3) (intro.) Each certificate is valid for 5 years from the date of issuance and, except as provided in s. 250.041, may be renewed by the certificate holder if he or she satisfactorily completes all of the following:

(a) If he or she operates or manages a restaurant employing more than 5 food handlers, an approved examination.

SECTION 3. 254.71 (3) (b) of the statutes is created to read:

254.71 (3) (b) If he or she operates or manages a restaurant employing 5 or fewer food handlers, one of the following:

1. A recertification training course approved by the department.
2. An approved examination.

SECTION 3k. 254.71 (3g) of the statutes is created to read:

254.71 (3g) (a) For a certificate issued under sub. (3) (b) 1., all of the following apply:

1. The certificate is called a "licensure of food safety training for small operators."

2. The certificate applies only in a restaurant the certificate holder is operating or managing at the time of the renewal or in other restaurants employing 5 or fewer food handlers.

3. A licensure of food safety training for small operators may be renewed under sub. (3) (b) 1. every 5 years.

(b) The department shall approve recertification training courses that were approved by the department as of December 31, 2014, and substantially similar courses.

(c) The department may not adopt different regulatory and inspection standards based on the type of certificate issued under this section.

SECTION 4. 254.71 (6) (b) of the statutes is amended to read:

254.71 (6) (b) Specifying standards for approval of examinations and training courses for recertification of food protection practices required under this section.

SECTION 5. Nonstatutory provisions.

(1) The department of health services shall renew a certificate of food protection practices under section 254.71 of the statutes if all of the following apply:

(a) The certificate holder operates or manages a restaurant employing 5 or fewer food handlers.

* 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."

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(b) On or after January 1, 2015, the certificate holder submitted an application for a renewal of a certificate of food protection practices.

(c) The certificate holder submitted, in addition to the application form submitted under paragraph (b), an official certificate indicating satisfactory completion of a recertification training course approved by the department under section 254.71, 2013 stats.

(d) The department denied the renewal only on the ground that the certificate holder failed to successfully complete an approved examination.

(e) The certificate holder has submitted the required

application fee. The department shall apply any application fee paid by the certificate holder as part of the application submitted under paragraph (b) toward the renewal of a certificate of food protection practices.

SECTION 6. Initial applicability.

(1) This act first applies to an application for a renewal of a certificate of food protection practices that is submitted on the effective date of this subsection.

SECTION 7. Effective date.

(1) This act takes effect retroactively on January 1, 2015.
