



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 17

Assembly Amendment 1

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2015 Assembly Bill 17 relates to requirements to renew a certificate of food protection practices.

CURRENT LAW

Under current law, no person may conduct, maintain, manage or operate a restaurant¹ unless the operator or at least one manager of the restaurant holds a valid certificate of food protection practices. To obtain a certificate of food protection practices, a person typically must complete an examination approved by the Department of Health Services (DHS).²

A certificate of food protection practices is valid for five years from the date it is issued. To renew a certificate of food protection practices, a person must satisfactorily complete an examination that meets the same requirements that apply to an examination for initial certification. [s. 254.71, Stats.]

¹ For this purpose, “restaurant” means any building, room or place where meals are prepared or served or sold to transients or the general public, and all places used in connection with it and includes any public or private school lunchroom for which food service is provided by contract. Certain taverns, churches, schools, bed and breakfasts, potluck events, and concession standards are specifically excluded from the definition. [s. 254.61 (5), Stats.]

² State law allows the City of Milwaukee to enforce an existing ordinance that establishes different criteria. [s. 66.0436 (3) (b), Stats.]

2015 ASSEMBLY BILL 17

2015 Assembly Bill 17 (“the bill”) creates an alternative option for renewing a certificate of food protection practices held by an operator or manager of a restaurant employing five or fewer food handlers.³ Specifically, the bill allows such a certificate holder to renew a certificate of food protection practices by completing a recertification training course approved by DHS.

The bill applies retroactively to any application for renewal of a certificate of food protection practices submitted after January 1, 2015.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 terms a certificate renewed under the alternative criteria allowed under the bill a “licensure of food safety training for small operators” and provides that such a certificate applies only in restaurants with five or fewer food handlers. The effect of that limitation appears to be that a restaurant operator would be required to take an approved examination before relying on the certificate in a restaurant with more than five food handlers.

In addition, the amendment requires DHS to approve recertification training courses that were approved as of December 31, 2014, and substantially similar courses.⁴ The effect of that requirement is to prohibit DHS from making substantial changes to the standards for approval of training courses that were in effect on December 31, 2014.

Finally, the amendment prohibits DHS from adopting different standards for regulation and inspection based on whether an operator has a “licensure of food safety training for small operators” or a general certificate of food protection practices.

BILL HISTORY

Representative August introduced Assembly Amendment 1 to 2015 Assembly Bill 17 on February 9, 2015. On February 10, 2015, the Assembly Committee on State Affairs and Government Operations voted to recommend adoption of the amendment on a vote of Ayes, 15; Noes, 0. On the same day, the committee voted to recommend passage of the bill, as amended, also on a vote of Ayes, 15; Noes, 0.

The Assembly adopted the amendment on February 12, 2015, on a voice vote, and passed the bill on the same day, also on a voice vote. On March 17, 2015, the Senate concurred in the bill, as engrossed, on a voice vote.

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³ The bill defines “food handler” to mean an individual engaged in the preparation or processing of food at a restaurant and who is not a certificate holder.

⁴ Prior to January 1, 2015, the effective date of 2013 Wisconsin Act 292, state law allowed a certificate holder to renew a certificate of food protection practices by satisfactorily completing an approved training course. Thus, the Wisconsin Food Code includes standards governing the approval of such training courses.