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# Wisconsin Legislative Council

## ACT MEMO

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**2023 Wisconsin Act 168**  
[2023 Assembly Bill 964]

**Regulation of Certain Businesses  
Operated by Minors**

### BACKGROUND

Under current law, local units of government are prohibited from enacting or adopting a resolution or requiring a license or permit for any stand operated by a minor. Additionally, any minor operating a stand is not required to obtain a retail food establishment or food processing license from the Department of Agriculture, Trade, and Consumer Protection. A stand operated by a minor means a stand or other location at which goods other than potentially hazardous food<sup>1</sup> are sold on occasion;<sup>2</sup> directly to consumers; operates on a temporary, occasional basis; and that is operated solely by a person or persons under the age 18 on private property with the permission of property owners.

### 2023 WISCONSIN ACT 168

2023 Wisconsin Act 168 generally prohibits any license or permit requirement for an occasional business operated by a minor. Specifically, the act prohibits local units of government from requiring a license or permit for a business that is operated occasionally by a person under the age of 18. There is an exception from this prohibition for an occasional business that sells potentially hazardous food.

**Effective date:** March 23, 2024

For a full history of the bill, visit the Legislature's [bill history page](#).

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<sup>1</sup> Potentially hazardous food is defined as food that requires temperature control because it is in a form capable of supporting any of the following: (a) rapid and progressive growth of infectious or toxigenic microorganisms; (b) growth and toxin production of *Clostridium botulinum*; or (c) in raw shell eggs, the growth of *Salmonella enteritidis*. [s. 97.30 (1) (bm), Stats.]

<sup>2</sup> Occasional sales are defined as isolated and sporadic sales of tangible personal property or taxable services where the infrequency, in relation to other circumstances, support the inference that the seller is not pursuing a full- or part-time vocation, occupation, or business. It is presumed that a seller is not pursuing a full- or part-time vocation, occupation, or business if the seller's total taxable sales are less than \$2,000 in a calendar year. [s. 77.51 (9), Stats.]