

**WISCONSIN DEPARTMENT OF REVENUE
DIVISION OF INCOME, SALES, AND EXCISE TAX**

NOTICE OF PROPOSED GUIDANCE DOCUMENTS

Pursuant to sec. 227.112, Wis. Stats., the Wisconsin Department of Revenue, Division of Income, Sales, and Excise Taxes hereby seeks comment on the proposed guidance documents listed in the table below.

SUBMITTING PUBLIC COMMENTS

Public comments on proposed or adopted guidance documents may be submitted online at: <https://www.revenue.wi.gov/Pages/contactUs/proposed-Guidance.aspx>.

DEADLINE FOR SUBMISSION

The period for public comment for proposed guidance documents ends 21 days after publication in the Administrative Register, unless the Governor approves a shorter commenting period.

Document Number	Document Title
100167	Meal and Entertainment Expenses - Common Questions

State of Wisconsin
Department of Revenue

Meal and Entertainment Expenses

This is a proposed guidance document. The document has been submitted to the Legislative Reference Bureau for publication in the Administrative Register for public comment as provided by sec. 227.112(1), Wis. Stats.

1. Does Wisconsin follow the federal treatment of disallowing entertainment, amusement, and recreation expenses?
2. Does Wisconsin follow the federal treatment of reducing the meal expense deduction for certain meals provided by employers?
3. Did the TCJA eliminate the 50% deduction for other meal expenses?

1. Does Wisconsin follow the federal treatment of disallowing entertainment, amusement, and recreation expenses?

No. Wisconsin did not adopt sec. 13304(a) of the Tax Cuts and Jobs Act (TCJA) relating to the disallowance of entertainment, amusement, and recreation expenses. Wisconsin still allows a deduction for these expenses at 50%.

2. Does Wisconsin follow the federal treatment of reducing the meal expense deduction for certain meals provided by employers?

No. Wisconsin did not adopt sec. 13304(b) of the TCJA relating to the reduction from 100% to 50% for certain meals provided by employers. These meals are for de minimis fringe benefits, which include eating facilities located on or near the business premises of the employer and meals furnished on the business premises of the employer for the convenience of the employer. Wisconsin still allows a deduction for these meals at 100%.

3. Did the TCJA eliminate the 50% deduction for other meal expenses?

No. A 50% deduction is allowed for other meal expenses, as provided under prior federal law. Wisconsin still follows this federal treatment.

Applicable Laws and Rules

This document provides statements or interpretations of the following laws and regulations in effect as of November 1, 2019: Sections 71.01 and 71.22, Wis. Stats., and 26 U.S. Code §§ 132 and 274.

Laws enacted and in effect after November 1, 2019, new administrative rules, and court decisions may change the interpretations in this document. Guidance issued prior to November 1, 2019, that is contrary to the information in this document is superseded by this document, pursuant to sec. 73.16(2)(a), Wis. Stats.

FOR QUESTIONS OR COMMENTS CONTACT:

MS 5-77

WISCONSIN DEPARTMENT OF REVENUE

Customer Service Bureau

PO Box 8949

Madison, WI 53708-8949

Phone: (608) 266-2486

Fax: (608) 267-1030

Email additional questions to DORIncome@wisconsin.govGuidance Document Certification: <https://www.revenue.wi.gov/Pages/Certification-Statement.aspx>

Guidance Document Number: 100167

November 1, 2019

[About Us](#) [Contact Us](#) [Employment](#) [Media Room](#) [Plain Language](#) [Privacy](#) [Legal](#)
[Training](#)



Copyright © State of Wisconsin All Rights Reserved