



ATCP 72 Rule Update Overview

The Wisconsin Department of Agriculture, Trade and Consumer Protection's (Department or DATCP) revision of [Wis. Admin. Code ch. ATCP 72](#) represents a comprehensive modernization of lodging regulations to better reflect today's industry, improve public health protections, and create a more consistent and risk-based regulatory framework. The rule aligns regulatory requirements with evolving lodging accommodations—including hotels, motels, tourist rooming houses, and specialty lodging—while strengthening safety standards and clarifying expectations for operators and regulators. The updated rule went into effect on January 25, 2026, following a multiple year rule revision and development process with the assistance of industry stakeholders.

Rule Development Process

Rule drafting began in fall 2023 with the support of the [ATCP 72 Rule Revision Advisory Committee](#). The committee included representatives from key lodging industry stakeholders including, the Wisconsin Hotel and Lodging Association, Wisconsin Association of Campground Owners, Wisconsin Realtors Association, Wisconsin County Code Administrators, Wisconsin Association of Local Health Departments and Boards – Environmental Health, tourist rooming house owners, and DATCP staff. Meetings were held monthly from September 2023 through July 2024, with all notices, materials, recordings, and minutes publicly posted on the DATCP website. Meeting notices were also posted on the [Wisconsin Public Meeting and Notices website](#).

The [final proposed rule text](#) and other required documents have been publicly available since submission to the legislative clearinghouse on December 16, 2024.

Purpose and Scope of Rule Update

The revised rule aimed to modernize definitions and regulatory language, improve guest safety and public health standards, and align fees with inspection complexity as authorized under [ATCP 72.01](#).

The rule significantly expanded the definitions section by introducing over 100 defined terms and incorporating risk-based concepts of “core”, “priority foundation”, and “priority” items which improves operator understanding of risk and compliance expectations.

The language also introduced stronger protections related to:

- Water systems
- Guest safety
- Sanitation
- Disease prevention
- Documentation

The rule now includes standards for testing private well water systems on an annual basis for bacteria and nitrate, includes requirements for managing temporary water interruptions, and put an increased focus on *Legionella* prevention and outbreak response. An alignment with existing

smoke and carbon monoxide alarm placement, exiting requirements, slip, trip, and fall prevention to include handrails and guards on stairways and elevated surfaces were also introduced into the rule text. In addition, clarifications on expected maintenance of fire alarms, fire extinguishers, exit lighting, and other emergency systems were included. The rule strengthened sanitation expectations by requiring written procedures for clean-up of vomiting and diarrheal events and cleaning procedures of water jetted bathtubs, introduced employee health reporting requirements, and improved pest control and mattress protection requirements. The purpose was to increase operational accountability and reduce the risk of disease transmission. The rule also included new reporting requirements for serious incidents that require emergency medical services response that resulted in an injury, illness, or death from the built lodging environment. The information can be used to support outreach and education to further reduce future incidents across the lodging community or improve future regulatory decision-making.

Fees

The Department evaluated three fee structure models for hotels/motels, tourist rooming houses, and specialty lodging. All three models generated nearly identical targeted revenue for program sustainability. Model 1 had higher fees for pre-inspections compared to the other models. Model 2 had higher fees for annual license compared to the other models. Model 3 was a blend between the other models.

- The advisory committee selected Model 1 with seven votes.
- Model 2 received one vote.
- Model 3 received zero votes.

Fees were last modified for these categories in 2010. Local health departments acting as agents under [s. 97.615 \(2\) \(d\), Stats.](#), retain the authority to establish and collect their own license fees and may maintain a different fee table.

Communication and Implementation

The Department implemented a coordinated communication strategy to support the transition to the new code requirements. In late winter 2025, the department issued a [GovDelivery communication](#) to all DATCP administered licensed lodging operators notifying them of the registered final rule. The communication included the rule language, a [summary fact sheet](#) outlining key changes, and links to the DATCP hotel/motel and tourist rooming house [webpages](#). These webpages will serve as the central location for additional resources, including fact sheets, training webinars, and updated Department forms. The notification regarding the registered final rule was also shared with agent local health departments for distribution to licensed operators within their jurisdictions.

Conclusion

The modernization of Wis. Admin. Code ch. ATCP 72 ensures that Wisconsin's lodging regulations remain effective, relevant, and responsive to industry changes. The updated rule provides clearer expectations, stronger safety standards, and an equitable system for licensing and oversight. DATCP will continue to support operators and local agent health departments through guidance, training and ongoing communication as implementation continues.

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