



Administrative Rule Changes to ATCP 75 — Fee Structure

75.08 Retail Food and Establishment Fees

The new food code utilizes a risk-based licensing approach. A hazard assessment will be completed for each type of establishment. Refer to **Table A on page 2** for the questions asked during an assessment.

Exceptions to the hazard assessment include a retail establishment serving only prepackaged foods or meals, a transient retail food establishment, a vending machine, a micro market, or a mobile retail food establishment base with no food preparation.

A retail food establishment shall be assigned to a license category by evaluating the complexity of the retail food establishment based on the criteria specified in Table A. License assignment by point value:

- 2.5 or less Simple
- 2.5 - 4.5 Moderate
- 4.5 or more Complex

Types of Retail Food Establishments

Retail food establishment—not serving meals.

This includes mobile retail food establishment—not serving meals:

- Prepackaged TCS food
- Simple (final food product is Non-TCS)
- Simple (TCS)
- Moderate
- Complex

NOT ALL CHANGES ARE INCLUDED IN THIS FACT SHEET. PLEASE REVIEW THE ENTIRE UPDATED WISCONSIN FOOD CODE [FOUND HERE](#).

Retail food establishment—serving meals. This includes retail food establishment serving prepackaged meals and mobile retail food establishments—serving meals:

- Prepackaged TCS
- Simple
- Moderate
- Complex

Transient retail food establishment:

- Non-TCS food
- TCS food
- Prepackaged TCS food only

Mobile retail food establishment base:

No food preparation or processing activities. All other base license fees are calculated on the risk category assessment in **Table A** on page 2 for the activity conducted at the base

Vending:

- Vending machine operator
- Vending machine license

Micro markets:

- Single location
- Multiple location (on the same premises)



TABLE A

Determining Factors for Assigning License Categories	Points
A retail food establishment that only sells pre-packaged food or meal items, regardless if the food items are time/temperature controlled for safety food.	0
The retail food establishment does not serve meals and has annual gross food sale receipts less than \$25,000.	0.25
The retail food establishment does not serve meals and has annual gross food sale receipts more than \$25,000 but not more than \$1,000,000.	0.5
The retail food establishment does not serve meals and has annual gross food sale receipts more than \$1,000,000 but not more than \$5,000,000.	1
The retail food establishment does not serve meals and has annual gross food sale receipts more than \$5,000,000.	2
The retail food establishment contains a self-service salad or food bar.*	1
The retail food establishment handles raw poultry, meat, eggs or seafood.	1
The retail food establishment has a variance under 3-502.11 (special processing methods**) or a required HACCP plan under 3-502.12 (reduced oxygen packaging) of ATCP 75 Appendix, Wisconsin Food Code.	1
The retail food establishment has approval under 3-301.11 (bare hand contact plan) or 3-501.19 (time as a public health control plan) of ATCP 75 Appendix, Wisconsin Food Code.	1
The retail food establishment has a catering operation or processes, packages, or holds customer preordered meals or food items.	1
The retail food establishment does cold holding, hot holding, or reheating of time/temperature control for safety foods.	1
The retail food establishment does cooling of cooked or reheated time/temperature control for safety foods.	1
The retail food establishment prepares TCS food at its location and transports it to be sold, under the wholesale exemption for retail food establishments.	1
The retail food establishment serves or sells food that requires food processing activities including chopping, dicing, mixing, slicing, blanching, boiling, cooking, packaging, and assembly in order for that product to be served or sold.	1
The retail food establishment has one or more additional areas where food preparation activities occur.	1
The retail food establishment specifically prepares or serves food to a population identified as highly susceptible, such as a nursing home or day care.	1
The retail food establishment has a customer seating capacity greater than 75, or operates a motor vehicle drive-thru window for food purchase and service.	1

* If only “condiments” or other non-meal, ready-to-eat, non-TCS foods are offered or displayed for customer self-service, that display does not qualify as a salad or food bar, such as, but not limited to, pickles, onions, non-TCS dessert topping, relishes, garnishes, and bakery items.

** Smoking, curing, using food additives or components for preservation rather than flavor, reduced oxygen packaging, operating a molluscan shellfish life-support system, custom processing, sprouting seeds or beans, or any other method as determined by the department to require a variance.



Wisconsin Department of Agriculture, Trade and Consumer Protection
 Division of Food and Recreational Safety
 2811 Agriculture Dr., P.O. Box 8911, Madison, WI 53708
<https://www.datcp.wi.gov>