



Wisconsin Department of Agriculture, Trade and Consumer Protection

*Division of Food and Recreational Safety*

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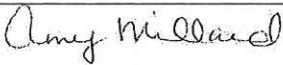
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GUIDANCE DOCUMENT

### **Dogs in Retail Food Establishments**

*This guidance document is based on Wis. Stat. ch. 97 and chapter(s) ATCP 75 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.*

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	03/16/2022
Amy Millard - Deputy Administrator, Division of Food and Recreational Safety	DATE

Contributors:



Division of Food and Recreational Safety – Interpretative Memo (IMO)

RET-IMO-016	Retail
Revision: 1.0	Dogs in Retail Food Establishments
Approved: Mar 11 2022	Wis. Stat. and/or Wis. Admin. Code: ATCP 75

**TO:** DATCP Retail and Recreational Staff and Agent Inspection Staff

**FROM:** Troy Sprecker, Director – BFRB, Division of Food and Recreational Safety

James Kaplanek, Retail Food and Recreational Section Manager, Bureau of Food and Recreational Businesses (BFRB)

**SUBJECT:** 2021 Wisconsin Act 143 – Allowing dogs on the premises of certain retail food establishments.

### 1.0 Purpose

The purpose of this document is to provide clarification to 2021 Wisconsin Act 143. Specifically the amended portion of Wis. Stat. § 97.30 (5) that reads No rule promulgated under this subsection may prohibit dogs from the premises of a retail food establishment that sells only previously packaged food.

### 2.0 Scope

This interpretative memorandum applies to retail food and recreational staff with the Department of Agriculture, Trade and Consumer Protection (DATCP) and DATCP agent partners that apply Wis. Stat. § 97.30 (5) to a licensed facility.

### 3.0 Definitions

3.1 “Previously packaged” – means an item that is received prepackaged to the retail food establishment and leaves the premises in the same package without any further preparation activities by the retail food establishment.

### 4.0 Interpretation

4.1 The amended Wis. Stat. § 97.30 (5) reads No rule promulgated under this subsection may prohibit dogs from the premises of a retail food establishment that sells only previously packaged food. The phrase “previously packaged food” may be considered vague for staff or operators in determining if it applies to a facility with a pre-packaged

license or potential misunderstanding if it applies to food that was packaged upon arrival at the facility, then subsequently opened at the facility. The phrase “previously packaged” is defined in Section 3.0 Definitions. Previously packaged refers to a food item that is received prepackaged to the retail food establishment and leaves the premises in the same package without any further preparation activities by the retail food establishment.

**5.0 Contacts**

DFRS Retail Food Specialists: [DATCPDFRSRETAIL@wisconsin.gov](mailto:DATCPDFRSRETAIL@wisconsin.gov)

**6.0 References**

2021 Wisconsin Act 143

Wis. Stat. § 97.30 (5)

Wis. Admin. Code ch. ATP 75, Appendix 1-201.10(B), definition of “Packaged.”

**7.0 Document History**

The most recent changes to this controlled document are listed at the top of the table:

Revision	Author	Change Description	Approval Date
1.0	Troy Sprecker James Kaplanek	New Document.	Mar 11 2022

**8.0 Approval**

3/9/2022 2:47 PM	Task Completed	■ McRoberts, Reed L	Task assigned to McRoberts, Reed L was approved by McRoberts, Reed L. Comments: added a few comments for consideration	Approved by McRoberts, Reed L
3/9/2022 3:02 PM	Task Completed	■ Jorata, Brian R	Task assigned to Jorata, Brian R was approved by Jorata, Brian R. Comments: Thanks	Approved by Jorata, Brian R
3/9/2022 3:04 PM	Task Completed	■ Millard, Amy M	Task assigned to Millard, Amy M was approved by Millard, Amy M. Comments: Reviewed. Thanks	Approved by Millard, Amy M
3/9/2022 3:14 PM	Task Completed	■ Sprecker, Troy S	Task assigned to Sprecker, Troy S was approved by Sprecker, Troy S. Comments:	Approved by Sprecker, Troy S
3/10/2022 7:31 AM	Task Completed	■ Pernsteiner, Helen K	Task assigned to Pernsteiner, Helen K was approved by Pernsteiner, Helen K. Comments: Document looks good. No comments to add.	Approved by Pernsteiner, Helen K
3/10/2022 8:08 AM	Comment	■ Reukema, Jessica A	Participants for Approval on IMO Dogs in Retail were updated by Reukema, Jessica A. New participants: Walz, Sheri A, Kaplanek, James H	
3/10/2022 8:08 AM	Task Created	■ Reukema, Jessica A	Task created for Walz, Sheri A. Due by: 3/15/2022 12:00:00 AM	
3/10/2022 10:31 AM	Task Completed	■ Walz, Sheri A	Task assigned to Walz, Sheri A was approved by Walz, Sheri A. Comments:	Approved by Walz, Sheri A
3/11/2022 7:31 AM	Task Completed	■ Pohjola, Carrie L	Task assigned to Pohjola, Carrie L was approved by Pohjola, Carrie L. Comments: no comment	Approved by Pohjola, Carrie L
3/11/2022 7:31 AM	Task Created	■ Reukema, Jessica A	Task created for Kaplanek, James H. Due by: 3/15/2022 12:00:00 AM	
3/11/2022 7:32 AM	Task Completed	■ Kaplanek, James H	Task assigned to Kaplanek, James H was approved by Kaplanek, James H. Comments:	Approved by Kaplanek, James H