

2015 Wisconsin Act 46 – School Food Safety Bill Q&A

Act 46 enacted on July 3, 2015, requires certain persons to hold certificates of food protection practices in order to operate certain school lunchrooms participating in the National School Lunch Program.

“SECTION 1. 254.71 (1m) of the statutes is created to read:

254.71 (1m) No person may conduct, maintain, manage, or operate a school lunchroom that is in a school that is participating in the national school lunch program under 42 USC 1751 to 1769j for which food service is directly provided by the school unless the operator or manager of the lunchroom, or his or her designee, is a certificate holder. For purposes of this subsection, the "operator or manager of the lunchroom" is the individual responsible for the administration of food services for a private school, charter school established under s. 118.40 (2r), or school district. A private school, charter school established under s. 118.40 (2r), or school district complies with the requirements of this subsection if the school or school district has one certificate holder.”

What is a certificate of food protection practices?

Prior to November 1, 2016, a Wisconsin Certified Food Manager (CFM) certificate was considered a certificate of food protection practices. The Department of Agriculture, Trade, and Consumer Protection (DATCP) no longer issues CFM certificates. Successful completion of an approved national food manager's examination is equivalent to holding a valid Wisconsin CFM certificate. To meet regulatory requirements, post the national food manager's exam certificate taken within the past five years in a conspicuous place on the premises of the food service establishment, for review by inspection staff.

Which national food manager's examinations are approved?

DATCP accepts the following food manager certification exams:

- Prometric, Inc. - Certified Professional Food Manager Course Examination
- National Restaurant Association - ServSafe (SS) Course Examination
- Environmental Health Testing, LLC - Food Safety First Principles Course Examination
- 360 Training, Inc.
- Above Training/State Food Safety

Where can I find courses and examinations in Wisconsin?

The Department of Public Instruction (DPI) School Nutrition Team (SNT) offers ServSafe courses throughout the year. The [SNT Training webpage](#) provides more information on ServSafe classes offered by DPI (<http://dpi.wi.gov/school-nutrition/training>).

DATCP provides a [course directory](#) on its webpage (<https://datcp.wi.gov/Documents/CFMCourseDirectory.pdf>).

Who is responsible for enforcing the law?

Local regulatory authorities enforce Act 46 on behalf of DATCP. Required personnel must post the exam certificate, taken within the past five years, for review by inspection staff.

Who is required to have this certificate under Act 46?

The person overseeing the school nutrition program(s) for the School Food Authority (SFA), private school, charter, or choice school or his or her designee is required to have this certificate.

Is it mandatory to have somebody with a certificate at every site at all times?

No. Under Act 46, SFAs are not required to have a certificate holder at each site while food is being handled. However, the person overseeing the school nutrition program(s) is responsible for ensuring that food safety practices are followed and that food handlers at each site are thoroughly trained on food safety regulations.

Who can use the Food Safety for Small Operators course?

A small operator has five or fewer food handlers. When a certificate holder has already taken the full certification exam and is renewing within six months of expiration of his or her initial food manager certification, then the [Food Safety for Small Operators \(Recertification\) course](#) may be used to meet the requirement. Any certificate holder whose certificate is not renewed within six months of expiration is required to take and pass an approved exam.

My SFA's food service is under a food service management company (FSMC). How does Act 46 impact the requirements?

FSMCs must hold a restaurant license and have a certificate holder at each site. Act 46 does not change the requirements for FSMCs.

My SFA gets meals from a vendor. Does somebody in the SFA need a certificate?

Yes. Even though the meal is prepared off-site by a vendor, someone in the SFA must hold a certificate or proof of Food Safety for Small Operators course completion.

My local regulatory authority already requires that each site has a person with a certificate. Is this still required?

Local ordinances that are stricter than state law must be followed. Jurisdictions must have the stricter requirement in an ordinance, or state law will prevail.

My certificate is about to expire – can I take a recertification course?

Recertification courses are no longer accepted by DATCP if there are more than five food handlers. Operations with less than five food handlers may qualify for renewal without exam under Wisconsin Licensure of Food Safety Training for Small Operators. The city of Milwaukee requires examination regardless of staff size.