



# DATCP Updates

Ted Tuchalski, R.S. – Division of Food and Recreational Safety

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

WCCA Fall Conference | October 26, 2023

# STATUTE REVISIONS

- Assembly Bill 328 / Senate Bill 319
  - Introduced and referred to committees in June.
  - AB 328 public hearing in October.

3 SECTION 1 . 97.67 (1) of the statutes is amended to read:

4 97.67 (1) Except as provided in ~~sub. subs. (1g) and (1k)~~ and s. 93.135, the  
5 department or a local health department granted agent status under s. 97.615 (2)  
6 shall issue licenses to and regulate campgrounds and camping resorts, recreational  
7 and educational camps and public swimming pools. ~~No~~ Except as provided in sub.

1 (1k). ~~no~~ person or state or local government who has not been issued a license under  
2 this section may conduct, maintain, manage or operate a campground and camping  
3 resort, recreational camp and educational camp or public swimming pool, as defined  
4 by departmental rule.

5 SECTION 2 . 97.67 (1k) of the statutes is created to read:

6 97.67 (1k) (a) For the purpose of this subsection, "farm" means all land under  
7 common ownership that is primarily devoted to agricultural production, harvesting,  
8 or husbandry.

9 (b) A person may operate a campground without a campground license if the  
10 campground is located on the person's farm, the person's farm has no more than one  
11 campground, and the campground has 3 or fewer campsites.

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# ADMINISTRATIVE RULE REVISIONS

- ATCP 78 Recreational and Educational Camps
  - Eff. 9/24/23
- ATCP 76 Public Pools and Water Attractions
  - Eff. 9/24/23
- ATCP 72 Hotels, Motels and Tourist Rooming Houses
  - SS 010-23 expires 7/30/25
  - Rule Revision Advisory Committee
    - WCCA Rep: Jason Kjeseth | St. Croix Co.





# MODERNIZATION

- Increase number of terms and definitions to reflect the current industry.
- Incorporate expectations for addressing pests and pathogens, such as bed bugs and *Legionella*.
- Align smoke and carbon monoxide alarm language with statutes.

## Chapter HSS 195 HOTELS, MOTELS AND TOURIST ROOMING HOUSES

HSS 195.01	Authority and purpose	HSS 195.07	Food
HSS 195.02	Scope of rules	HSS 195.08	Employee health
HSS 195.03	Definitions	HSS 195.09	Building structure and safety
HSS 195.04	Permits	HSS 195.10	Maintenance
HSS 195.05	Water supply and waste disposal	HSS 195.11	Registration of guests
HSS 195.06	Furnishings, equipment and utensils	HSS 195.12	Enforcement

Note: Chapter HSS 195 as it existed on June 30, 1985, was repealed and a new chapter HSS 195 was created effective July 1, 1985.

## Chapter ATCP 72 HOTELS, MOTELS, AND TOURIST ROOMING HOUSES

ATCP 72.01	Authority and purpose.	ATCP 72.10	Water supply and waste disposal.
ATCP 72.02	Scope of rules.	ATCP 72.11	Furnishings, equipment and utensils.
ATCP 72.03	Definitions.	ATCP 72.12	Food.
ATCP 72.04	Licenses.	ATCP 72.13	Employee health.
ATCP 72.05	Department fees.	ATCP 72.14	Building structure and safety.
ATCP 72.06	Enforcement.	ATCP 72.145	Carbon monoxide detectors.
ATCP 72.07	Suspension or revocation of licenses.	ATCP 72.15	Maintenance.
ATCP 72.08	Appeals of actions by the department.	ATCP 72.16	Registration of guests.
ATCP 72.09	Appeals of actions by agent health departments.		



# SMOKE ALARM LOCATIONS

## Current ATCP 72:

- At least one alarm per unit.

## Current statute 101.145:

- Basement
- Each stairway
- Within each sleeping area.



# CO ALARM LOCATIONS

## Current ATCP 72:

- Focuses on finding the fuel-burning appliance and installing an alarm within prescribed distances.

## Current statute 101.149:

- Aligned with IBC in 2018.
- Focuses on installing alarms in the proximity of where people will be sleeping.



# MODERNIZATION

- Increase number of terms and definitions to reflect the current industry.
- Incorporate expectations for addressing pests and pathogens, such as bed bugs and *Legionella*.
- Align smoke and carbon monoxide alarm language with statutes.
- Add language to address slips, trips, and fall hazards.

## Chapter HSS 195 HOTELS, MOTELS AND TOURIST ROOMING HOUSES

HSS 195.01	Authority and purpose	HSS 195.07	Food
HSS 195.02	Scope of rules	HSS 195.08	Employee health
HSS 195.03	Definitions	HSS 195.09	Building structure and safety
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## Chapter ATCP 72 HOTELS, MOTELS, AND TOURIST ROOMING HOUSES

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# SLIPS, TRIPS, AND FALL HAZARDS

- Poorly placed furniture.
- Elevated surfaces without adequate guards.
- Unsafe exiting to an elevated surfaces without guards or handrail.



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- Incorporate expectations for addressing pests and pathogens, such as bed bugs and *Legionella*.
- Align smoke and carbon monoxide alarm language with statutes.
- Add language to address slips, trips, and fall hazards.
- Include risk-based criticality for transparency.

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# RISK-BASED CRITICALITY

## Priority

- Items to prevent or limit deaths, illnesses, or injuries.
- e.g. Functional smoke alarms within lodging facilities.

## Priority Foundation

- Items that support, facilitate or enable one or more priority items.
- e.g. Replacing smoke alarms every 10 years.

## Core

- General sanitation and maintenance of facilities and equipment.
- e.g. Testing smoke alarms per manufacturer's instructions.





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