



**DALE KOOYENGA**  
STATE SENATOR · 5<sup>TH</sup> DISTRICT

State Capitol · P.O. Box 7882 · Madison, WI 53707-7882 · (608) 266-2512

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September 10, 2019

TO: Senate Committee on Public Benefits, Licensing and State-Federal Relations

FR: Senator Dale Kooyenga

RE: Support for SB 170 – allowing minors to operate temporary stands without a permit or license

Thank you for holding a hearing on Senate Bill 170. This is a straightforward bill that allows minors to operate temporary stands without a permit or license.

Wisconsin's kids should be allowed to hone their entrepreneurial skills without fear of regulatory retribution. Unfortunately, under current law, kids in Wisconsin are not able to operate lemonade stands without a permit. Throughout the state, kid after kid, stand after stand, have been reported to local police departments, who then have to investigate and potentially fine these young entrepreneurs, even on private property.

This legislation allows *children* to operate lemonade and other types of stands without a permit on private property. This bill also provides that these types of entrepreneurial efforts are considered to be "occasional sales" as defined in the state statutes, allowing these kids to sell up to \$2,000 without fear of tax liability. This brings parity between these types of stands and other occasional sales such as garage sales.

We want to ensure that our communities can support youth who have an interest in entrepreneurial business endeavors. This bill will help kids and families work alongside community members instead of in opposition to them.

Senate Amendment 1 came at the request of representatives of the public health departments that were concerned that under the original bill it would allow kids to sell food that was considered to be potential hazardous. Senate Amendment 1 clarifies this and allows for the sale of food other than items that are considered to be potentially hazardous.

Thank you for hearing SB 170. I respectfully ask for your support.



# CODY HORLACHER

STATE REPRESENTATIVE • 33<sup>RD</sup> ASSEMBLY DISTRICT

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Toll-Free: (888) 529-0033  
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P.O. Box 8952  
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September 10<sup>th</sup>, 2019

Chairman Kapenga and Public Benefits, Licensing and State-Federal Relations Committee Members,

Thank you for holding a Public Hearing on SB 170 related to allowing minors to operate temporary stands without a permit or license.

It has been my honor to work with Senator Kooyenga, Representative Sargent, families, community members, and public health officials.

Wisconsin's kids should be allowed to hone their entrepreneurial skills without fear of regulatory retribution. Unfortunately, under current law, kids in Wisconsin are not able to operate lemonade stands without a permit. Many kids have had their stands called into local police departments, who then have to investigate and potentially fine these young entrepreneurs, even on private property.

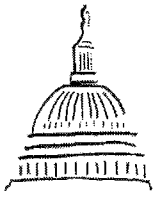
This legislation allows children to operate lemonade and other types of stands without a permit on private property. This bill also provides that these types of entrepreneurial efforts are considered to be "occasional sales" as defined in the state statutes, allowing these kids to sell up to \$2,000 without fear of tax liability. This brings parity between these types of stands and other occasional sales such as garage sales.

Assembly Amendment 1 was drafted in consultation with folks who work in the public health arena. We want to make sure that we are supporting our kids but also working to keep our communities healthy.

We want to ensure that our communities can support youth who have an interest in business. This bill will help kids and families work alongside community members.

I hope that you will join me, Senator Kooyenga, and Representative Sargent in standing with young entrepreneurs and their families.

I appreciate your consideration of this bill and please feel free to reach out to my office with any questions you may have.



STATE REPRESENTATIVE  
**MELISSA SARGENT**

WISCONSIN STATE ASSEMBLY

48th DISTRICT

September 10, 2019

Chairman Kapenga and members of the Committee on Public Benefits, Licensing and State-Federal Relations, thank you for taking the time to hear SB-170 today and this testimony.

Lemonade stands and other entrepreneurial ventures by kids, such as selling their arts and crafts and chocolate chip cookies, bring nothing but positivity to neighborhoods and communities across Wisconsin and an opportunity for personal growth for our state's children.

Take for example, a young girl in my neighborhood named Bea. Every summer, you can find Bea- a well-known figure in our area for her tenacious Girl Scout cookie sales- posted proudly in her lawn, a smile beaming on her face, with a creative and welcoming handmade sign, looking to draw in those passing by for a cold cup of lemonade, and a friendly conversation. All for just 50 cents. I am sure each of us know a child like Bea in their own communities. These moments, of pure simplicity and human connection, are too often lost in our communities today. Bea, and all kids, should have the ability to bring these moments of joy into their neighborhoods without the fear of being shut down.

My staff member McKenzie remembers fondly her memories of holding an annual lemonade stand with her sisters and neighborhood friends in her hometown of Clinton, Wisconsin. Working with her parents and the other kids to get just the right mix of powdered lemonade and water in each pitcher, setting up the sign and cups on the stand just so, and learning about counting money, giving back change, and how to communicate with the strangers who stopped by. My own children over the years have been known to set up a stand in our neighborhood.

Every kid should have the opportunity to look back on these memories. To grow their curiosity for business and entrepreneurship. To learn the value of teamwork and financial responsibility. To be creative. To get outside and enjoy the outdoors. To grow relationships within their community.

Thank you to Representative Horlacher and Senator Kooyenga for your bipartisan partnership and collaboration on this issue.



**WAUKESHA COUNTY**  
COUNTY BOARD OF SUPERVISORS

To: Assembly Committee on Consumer Protection  
From: Sarah Spaeth, Legislative Policy Advisor  
Date: September 10, 2019  
Re: Support Senate Bill 170

Thank you Chairman Kapenga and members of the Senate Committee on Public Benefits, Licensing and State-Federal Relations for having a hearing today on Senate Bill 170 which allows a minor to operate a temporary stand without a license or permit. Waukesha County is asking you to support this bill with the addition of Senate Amendment 1 which will exclude the sale of potentially hazardous foods.

I want to thank the bill's authors for working with us and being open to understanding our concerns about the sale of hazardous foods. Waukesha County supports the author's goal to remove roadblocks for children to sell lemonade, and applauds the entrepreneurial spirit being promoted that is at the heart of this bill.

As the local public health authority, Waukesha County has a responsibility to the general public to ensure foods being sold will not create negative health impacts. When a vendor is being licensed to sell potentially hazardous foods they receive food safety education and are subject to inspection. Prohibiting the sale of hazardous foods at temporary stands operated by minors protects the public from food that is undercooked or not held at the proper temperature. Assembly Amendment 1 is a simple fix to address this issue and still allows children to continue with the all-American activity of lemonade stands.

Thank you for your time and consideration. Please do not hesitate to reach out to me if you have any questions.



Wisconsin Public Health Association  
Wisconsin Association of Local Health  
Departments and Boards



**WALHDAB**  
*Public Health In Action*

Wisconsin Association of Local Health Departments and Boards

563 Carter Court, Suite B, Kimberly, WI 54136  
920-882-3650 · 877-202-4333

DATE: September 9, 2019

TO: Members of the Senate Committee on Public Benefits, Licensing and State-Federal Relations

FROM: Wisconsin Public Health Association and  
Wisconsin Association of Local Health Departments and Boards

RE: Senate Bill 170 – The Lemonade Stand Bill

Lemonade stands are a favorite childhood pastime and common sight in neighborhoods during summer. Most of us have fond memories of setting up and running a lemonade stand in our youth, and many parents continue that tradition today. Many children run lemonade stands as a way to raise or save money, and it gives them a great opportunity to learn entrepreneurial skills.

The Wisconsin Public Health Association (WPHA) and the Wisconsin Association of Local Health Departments and Boards (WALHDAB) fully support children being able to operate lemonade stands. However, as a group of more than 1,200 public health officials from across Wisconsin, we request your support for Senate Amendment 1.

Authored by Senator Kooyenga, Senate Amendment 1 specifies that minors can operate stands, but cannot sell potentially hazardous foods as defined in current statute. This common sense amendment ensures minors are not selling foods like raw meat or egg salad, which require strict temperature control measures to eliminate the possibility of spreading foodborne bacterial diseases like salmonella.

WPHA and WALHDAB are not opposed to children operating lemonade stands and we support the intent of the bill. We believe our concerns can be met and the intent of the bill can be achieved through Senate Amendment 1. This simple fix allows children to operate a lemonade stand while protecting public health and safety from dangers posed by the consumption of contaminated foods.

WPHA and WALHDAB request your support for Senate Amendment 1 to Senate Bill 170, which protects public health and safety by prohibiting the sale of potentially hazardous foods as defined by Wisconsin Food Code. If you have any questions, please contact our government affairs consultants Erik Kanter or Tim Hoven at (414) 305-2011.