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House Bill 5130 (Substitute H-1 as reported with amendments)

Sponsor: Representative Cindy Denby

House Committee: Agriculture

Senate Committee: Agriculture

CONTENT

The bill would amend the Food Law to do the following:

- Incorporate changes in the 2009 Federal Food Code, with certain modifications regarding the noncontinuous cooking of raw meat and the training of employees.
- Eliminate the terms "critical violation" and "noncritical violation" to classify violations of the Food Code, and instead refer to a violation of a "priority foundation item", "priority item", or "core item".
- Increase, from \$15,000 to \$24,999, the per-household ceiling for annual gross sales of cottage food products by a cottage food operation.
- Increase, from \$15,000 to \$24,999, the gross sales ceiling for prepackaged honey and maple syrup retail outlets and processing facilities to be exempt from licensure requirements under the Food Law.
- Prohibit a person from operating as a shellfish dealer without being certified by the Michigan Department of Agriculture and Rural Development (MDARD).
- Establish a \$150 annual fee for certification as a shellfish dealer.
- Incorporate by reference the Federal Guide for Control of Molluscan Shellfish.
- Adopt by reference other Federal regulations.
- Authorize MDARD to enter into agreements with other states and the Federal government regarding food safety assistance, including employee training.
- Require MDARD to provide support to local health departments delegated enforcement authority under the Law.
- Require a mobile food establishment and a special transitory food unit to employ at least one certified managerial employee.
- Exempt from licensure under the Food Law a person operating a food warehouse or food processor containing only uncut fruits or vegetables, if certain conditions were met.
- Specify that, if prepackaged food were transported to and sold at a farmers' market, fair, or festival by a licensed food establishment, the sales location would not require a separate license.
- Prohibit a food establishment from allowing Michigan Bridge Card access to food assistance program benefits unless its inventory records matched redemption files for Bridge Card use and it met standards for sales from food staple groups.

The bill also would repeal Public Act 244 of 1963, which regulates the processing, marking, branding, advertising, and sale of eggs, and instead would adopt by reference the U.S. standards for shell eggs.

The bill specifies that the Food Law would not apply to a person who meets all of the following requirements:

- Is directly responsible for producing eggs from fewer than 3,000 hens.
- Only sells eggs directly to consumers or first receivers.
- Only sells eggs in containers bearing a label stating the eggs were packaged in a facility that was not inspected by MDARD.
- Does not sell eggs through the internet, or by mail order or consignment.

The bill would take effect on October 1, 2012.

MCL 289.1101 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would update requirements for the safe handling of food, including the adoption of newer U.S. Food Code regulations and allowing flexibility for local health departments in dealing with food safety violations. According to MDARD, the proposed changes to food safety requirements could be properly monitored and regulated by the existing regulatory resources of State and local government and would have no additional fiscal impact upon them.

The bill also would establish a new shellfish dealers' certification program, which would certify that the dealers met Federal standards, thus allowing their product to be shipped and sold interstate. A shellfish dealer's certificate would require an annual fee of \$150 and provide sufficient revenue for MDARD to oversee the State's 14 or so shellfish dealers.

Date Completed: 3-20-12

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.