

HOUSE BILL No. 4335

February 27, 2013, Introduced by Reps. O'Brien, Pettalia, Franz, Genetski and Foster and referred to the Committee on Tourism.

A bill to amend 2000 PA 92, entitled "Food law," by amending sections 3113 and 6101 (MCL 289.3113 and 289.6101), section 6101 as amended by 2012 PA 178.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3113. (1) A county, city, village, or township shall not
2 regulate those aspects of food service establishments or vending
3 machines ~~which~~ **THAT** are subject to regulation under this act except
4 to the extent necessary to carry out the responsibility of a local
5 health department to implement licensing provisions of chapter IV
6 **OR AS AUTHORIZED UNDER SECTION 6101(1)(C).**

7 (2) This chapter does not relieve the applicant for a license
8 or a licensee from responsibility for securing a local permit or
9 complying with applicable local codes, regulations, or ordinances

1 not in conflict with this act.

2 Sec. 6101. (1) Chapters 1 through 8 of the food code are
3 incorporated by reference except as amended and modified as
4 follows:

5 (a) Where provisions of this act and rules specify different
6 requirements.

7 (b) Section 3-401.14 is modified to read as follows:

8 "3-401.14 Non-Continuous Cooking of Raw Animal Foods.

9 Raw animal foods that are cooked using a non-continuous
10 cooking process shall be:

11 (A) Subject to an initial heating process that is no longer
12 than 60 minutes in duration;^P

13 (B) Immediately after initial heating, cooled according to the
14 time and temperature parameters specified for cooked potentially
15 hazardous food (time/temperature control for safety food) under
16 paragraph 3-501.14 (A);^P

17 (C) After cooling, held frozen or cold, as specified for
18 potentially hazardous food (time/temperature control for safety
19 food) under paragraph 3-501.16 (A) (2);^P

20 (D) Prior to sale or service, cooked using a process that
21 heats all parts of the food to a time/temperature specified in
22 paragraph 3-401.11 (A);^P

23 (E) Cooled according to the time and temperature parameters
24 specified for cooked potentially hazardous food (time/temperature
25 control for safety food) under paragraph 3-501.14 (A) if not either
26 hot held as specified under paragraph 3-501.16 (A), served
27 immediately, or held using time as a public health control as

1 specified under section 3-501.19 after complete cooking;^P and

2 (F) Stored as follows:

3 (1) After initial heating but prior to cooking as specified
4 under paragraph (D) of this section, separate from ready-to-eat
5 foods as specified under paragraph 3-302.11;^{Pf} and

6 (2) After initial heating, but prior to complete cooking,
7 marked or otherwise identified as foods that must be cooked as
8 specified under paragraph (D) of this section prior to being
9 offered for sale or service.^{Pf} The food may be identified in any
10 effective manner provided that the marking system is disclosed to
11 the regulatory authority upon request."

12 (c) Section 2-103.11(L) is modified to read as follows:

13 "Employees are properly trained in food safety as it relates
14 to their assigned duties;^{Pf} and".

15 **(D) SECTION 6-501.115(B) IS AMENDED BY THE ADDITION OF**
16 **SUBPARAGRAPH (6) THAT READS AS FOLLOWS:**

17 **"(6) A DOG THAT IS CONTROLLED BY A CUSTOMER IN AN OUTDOOR**
18 **DINING AREA IF A HEALTH OR SAFETY HAZARD WILL NOT RESULT FROM THE**
19 **PRESENCE OR ACTIVITIES OF THE DOG."**

20 **A LOCAL UNIT OF GOVERNMENT MAY ADOPT AND ENFORCE AN ORDINANCE THAT**
21 **IS MORE RESTRICTIVE THAN SUBPARAGRAPH (6).**

22 (2) The director, by rule, may adopt any changes or updates to
23 the food code.

24 (3) The annexes of the food code are considered persuasive
25 authority for interpretation of the food code.