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Senate Bill 730 (as enacted)  
Sponsor: Senator Judy K. Emmons  
Senate Committee: Regulatory Reform  
House Committee: Commerce

**PUBLIC ACT 516 of 2014**

Date Completed: 2-11-15

**CONTENT**

**The bill amended the Food Law to do the following:**

- **Require at least one certified managerial employee of certain food establishments to be employed as a food safety manager.**
- **Require a certified food safety manager who supervises the operations of a food service establishment to complete food safety training that contains an allergen awareness component.**
- **Allow a certified food safety manager at an establishment with more than 20 Michigan locations to meet the training requirement by completing a nationally recognized food safety training program containing an allergen awareness component.**
- **Require a food service establishment to retain records regarding the training of its food safety managers.**
- **Require a food service establishment to display in its staff area a poster or other notice relative to food allergy awareness.**
- **Allow the Michigan Department of Agriculture and Rural Development (MDARD) to promulgate rules for the posting requirement.**
- **Designate the food safety training and posting requirements as core items (for purposes of enforcing the Food Code and imposing administrative fines).**

The bill took effect on January 14, 2015. The requirements for food safety manager training and staff notification will apply until December 31, 2020.

Food Safety Manager

The Law requires certain food establishments to employ at least one managerial employee who is currently certified under a personnel certification program accredited by the American National Standards Institute, using standards of the Conference for Food Protection. This requirement applies to the following:

- A food service establishment that is not a licensed temporary food service establishment or a vending machine.
- An extended retail food establishment.
- A food establishment operated within a retail grocery.

The bill also requires the certified managerial employee to be employed as a food safety manager.

Beginning two years after the bill's effective date, and every five years after that, a certified food safety manager who supervises the operations of a food service establishment must have completed food safety training that contains an allergen awareness component approved by MDARD. The allergen awareness component may be an online program or a video. A certified food safety manager at a food service establishment with more than 20 locations in Michigan may satisfy the food safety training requirement by completing any nationally recognized food safety training program containing an allergen awareness component. A food service establishment must retain on-site records documenting its certified food safety managers' compliance with the training requirement.

The Department must enforce the training requirements in the same manner as it enforces other provisions related to certified food safety managers.

The bill's food safety training requirements will apply until December 31, 2020.

### Food Allergy Awareness

The bill added Section 6152 to the Law to require each food service establishment in Michigan, until December 31, 2020, to prominently display in the staff area a poster developed and approved by MDARD relative to food allergy awareness. The poster must include information regarding the risk of an allergic reaction. Alternatively, a food service establishment may post the information from the poster in a different, readable notice in the staff area.

The bill states that Section 6152 does not establish or change any private cause of action, and does not change any duty under any other statute or the common law, except as expressly provided in the section.

The Department may promulgate rules to carry out Section 6152.

### Core Item Enforcement

Under the bill, the requirements that a food safety manager receive periodic training, including a food allergen awareness component, and that information relative to food allergy awareness be posted in the staff area are a "core item". Under the Law, MDARD may not impose an administrative fine for a core item violation of the Federal Food Code unless the violation is not corrected within 30 calendar days after the violation.

MCL 289.1105 et al.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill will have a minimal fiscal impact on State and local governments. Under the bill, the Department of Agriculture and Rural Development is required to approve some type of training program concerning food allergies for certain retail food establishments.

Local governments, through local public health departments in their role as primary inspectors of retail food establishments, will be required to interact with retail food establishments concerning the requirements of the bill, but it is doubtful that these requirements will add significantly to time spent on the health departments' other regulatory activities.

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.