
Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5071 (Substitute H-3 as reported with amendment)
Sponsor: Representative Mark Schauer
House Committee: Agriculture
Senate Committee: Farming, Agribusiness, and Food Systems

CONTENT

The bill would amend the Michigan Food Law to prohibit a person from falsely identifying a country, state, or other place of origin of food on a label, tag, or other document with intent to deceive or defraud. A person who violated this provision would be guilty of a felony punishable by imprisonment for not more than four years and/or a fine of up to \$2,000.

Currently, a person who violates the Act's prohibitions against manufacturing, selling, delivering, or receiving adulterated or misbranded food is guilty of a misdemeanor punishable by a fine of at least \$100 but not more than \$1,000 and/or imprisonment for up to 90 days. The bill would increase the maximum imprisonment to 93 days.

MCL 289.707 & 289.710

Legislative Analyst: L. Arasim

FISCAL IMPACT

House Bill 5071 (H-3) would have an indeterminate fiscal impact on State and local government.

Given that the bill would create a new felony with a maximum sentence of four years in prison and/or a fine of \$2,000 for falsely identifying the place of origin of food, costs of incarceration and/or fine revenues for the State could increase. There are no data available to indicate how many people may be found guilty of this crime or the average minimum sentence issued. However, assuming that five people a year would be convicted of this crime and that the average sentence served is 2.5 years, given that annual prison costs are \$18,000, the total cost of incarceration for five offenders would be \$45,000.

Date Completed: 5-14-98

Fiscal Analyst: K. Firestone
G. Cutler