

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 5071

(As passed the House, October 22, 1997)

A bill to amend 1968 PA 39, entitled
"Michigan food law of 1968,"
by amending sections 7 and 10 (MCL 289.707 and 289.710), as
amended by 1982 PA 43.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. ~~The following acts or the causing of these acts~~
2 ~~are prohibited~~ A PERSON SHALL NOT DO OR CAUSE TO BE DONE ANY OF
3 THE FOLLOWING:

4 (a) ~~The manufacture, sale or delivery, holding~~
5 MANUFACTURE, SELL, DELIVER, HOLD, or ~~offering~~ OFFER for sale
6 ~~of any food that is~~ adulterated or misbranded FOOD.

7 (b) ~~The adulteration~~ ADULTERATE or ~~misbranding of any~~
8 MISBRAND food.

9 (c) ~~The receipt~~ RECEIVE in commerce ~~of any~~ food that is
10 adulterated or misbranded, and ~~the delivery~~ DELIVER or

HB 5071, As Passed Senate, May 28, 1998

HB 5071 as amended May 28, 1998

2

1 ~~proffered~~ PROFFER THE delivery ~~thereof~~ OF THAT FOOD for pay
2 or otherwise.

3 (d) ~~The sale, delivery~~ SELL, DELIVER for sale, ~~holding~~
4 HOLD for sale, or ~~offering~~ OFFER for sale ~~of any~~ food in vio-
5 lation of section 18.

6 (e) ~~The dissemination of any~~ DISSEMINATE A false
7 advertisement.

8 (f) ~~The refusal~~ REFUSE to permit entry or inspection, or
9 to permit the taking of a sample, as authorized by section 24.

10 (g) ~~The giving of a~~ GIVE A FALSE guaranty or undertaking, ~~which~~
11 ~~guaranty~~ ~~or undertaking is false~~, except by a person who relied on a guar-
12 anty or undertaking to the same effect, signed by ~~—~~ and con-
13 taining the name and address of the person from whom he or she
14 received the food in good faith.

15 (h) ~~The removal~~ REMOVE or ~~disposal~~ DISPOSE of detained
16 or embargoed food in violation of ~~sections~~ SECTION 11 or 12.

17 (i) ~~The alteration, mutilation, destruction, obliteration,~~
18 ~~or removal of the whole~~ ALTER, MUTILATE, DESTROY, OBLITERATE, OR
19 REMOVE ALL or ~~any~~ part of the ~~labeling of~~ LABEL, or ~~the~~
20 ~~doing of~~ DO any other act with respect to a food, ~~if the act is~~
21 ~~done~~ while the food is held for sale ~~and results~~ RESULTING in
22 the food being adulterated or misbranded.

23 (j) ~~Forging, counterfeiting, simulating~~ FORGE, COUNTER-
24 FEIT, SIMULATE, or falsely ~~representing~~ REPRESENT, or without
25 proper authority ~~using~~ USE any mark, stamp, tag, label, or
26 other identification device authorized or required by rules
27 promulgated under ~~the provisions of~~ this act.

HB 5071, As Passed Senate, May 28, 1998

House Bill No. 5071

3

1 (k) ~~Permitting~~ PERMIT filthy or ~~insanitary~~ UNSANITARY
2 conditions to exist in ~~any~~ A food establishment in which food,
3 intended for human consumption, is manufactured, received, kept,
4 stored, sold, or offered for sale.

5 (l) FALSELY IDENTIFY A COUNTRY, STATE, OR OTHER PLACE OF
6 ORIGIN OF FOOD ON A LABEL, TAG, OR OTHER DOCUMENT WITH INTENT TO
7 DECEIVE OR DEFRAUD.

8 Sec. 10. (1) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (2), A
9 person who violates ~~any provision of~~ this act or ~~of the rules~~
10 A RULE promulgated under this act is guilty of a misdemeanor ~~and~~
11 ~~shall be punished~~ PUNISHABLE by IMPRISONMENT FOR NOT MORE THAN
12 93 DAYS OR BY a fine of not less than \$100.00 or more than
13 \$1,000.00, ~~or imprisoned for not more than 90 days,~~ or both. A
14 person ~~shall not be~~ IS NOT subject to the penalties PRESCRIBED
15 UNDER THIS SECTION for having violated section 7(a) or (c) if he
16 or she establishes a guaranty or undertaking signed by and
17 containing the name and address of the person from whom he or
18 she received in good faith the food, to the effect that the food
19 is not adulterated or misbranded within the meaning of this act.
20 ~~When~~ IF a violation of section 7(k) occurs ~~which~~ THAT is not
21 suspected of threatening the safety of food intended for human
22 consumption, the department shall provide a person owning or
23 operating the food establishment a written report of the viola-
24 tion before subjecting persons to the penalties provided in this
25 act.

HB 5071, As Passed Senate, May 28, 1998

HB 5071 as amended May 21, 1998

4

1 (2) A PERSON WHO VIOLATES SECTION (7)(1) IS GUILTY OF A
2 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR BY
3 A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

4