

HOUSE BILL No. 5130

October 27, 2011, Introduced by Reps. Denby, Kowall, Daley, Rogers, Rendon and Agema
and referred to the Committee on Agriculture.

A bill to amend 2000 PA 92, entitled

"Food law of 2000,"

by amending sections 1105, 1107, 1109, 1111, 2119, 2125, 2129, 3103, 3105, 3125, 3127, 3133, 4102, 4103, 4105, 4111, 4117, 4123, 4125, 4127, 4129, 5101, 6101, 6107, 6135, 7101, 7113, 7133, 7137, and 8107 (MCL 289.1105, 289.1107, 289.1109, 289.1111, 289.2119, 289.2125, 289.2129, 289.3103, 289.3105, 289.3125, 289.3127, 289.3133, 289.4102, 289.4103, 289.4105, 289.4111, 289.4117, 289.4123, 289.4125, 289.4127, 289.4129, 289.5101, 289.6101, 289.6107, 289.6135, 289.7101, 289.7113, 289.7133, 289.7137, and 289.8107), section 1105 as amended by 2010 PA 113, section 1107 as amended by 2008 PA 338, sections 1109, 2119, 2125, 2129, 3103, 3125, 3127, and 4103 as amended by 2007 PA 113, section 4102 as added by 2010 PA 112, section 4105 as amended by 2010 PA 145,

sections 4111, 4117, 4125, 5101, 6101, 7113, 7137, and 8107 as amended by 2007 PA 114, and section 7101 as amended by 2002 PA 487, and by adding sections 2132, 4114, 7104, 7112, and 7114; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1105. (1) As used in this act:

2 (a) "Adulterated" means food to which any of the following
3 apply:

4 (i) It bears or contains any poisonous or deleterious
5 substance that may render it injurious to health ~~except that, if~~
6 **UNLESS** the substance is not an added substance ~~, the food is not~~
7 ~~considered adulterated if~~ **AND** the quantity of that substance in
8 the food does not ordinarily render it injurious to health.

9 (ii) It bears or contains any added poisonous or added
10 deleterious substance, other than a substance that is a pesticide
11 chemical in or on a raw agricultural commodity; a food additive;
12 or a color additive considered unsafe within the meaning of
13 ~~subparagraph (v).~~ **SUBSECTION (2).**

14 (iii) It is a raw agricultural commodity that bears or
15 contains a pesticide chemical considered unsafe within the
16 meaning of ~~subparagraph (v).~~ **SUBSECTION (2).**

17 (iv) It bears or contains any food additive considered unsafe
18 within the meaning of ~~subparagraph (v) provided that where~~
19 **SUBSECTION (2). HOWEVER, IF** a pesticide chemical has been used in
20 or on a raw agricultural commodity in conformity with an
21 exemption granted or ~~tolerance~~ **LIMITATION** prescribed under
22 ~~subparagraph (v).~~ **SUBSECTION (2)** and the raw agricultural

commodity has been subjected to processing, the residue of that pesticide chemical remaining in or on that processed food is, notwithstanding the provisions of ~~subparagraph (v)~~ **SUBSECTION (2)** and this subdivision, not ~~be~~ considered unsafe if that residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and if the concentration of that residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity.

~~—— (v) Any added poisonous or deleterious substance, any food additive, and pesticide chemical in or on a raw agricultural commodity, or any color additive is considered unsafe for the purpose of application of this definition, unless there is in effect a federal regulation or exemption from regulation under the federal act, meat inspection act, poultry product inspection act, or other federal acts, or a rule adopted under this act limiting the quantity of the substance, and the use or intended use of the substance, and the use or intended use of the substance conforms to the terms prescribed by the rule.~~

(v) ~~(vi)~~—It is or contains a new animal drug or conversion product of a new animal drug that is unsafe within the meaning of section 360b of the federal act, 21 USC 360b.

(vi) ~~(vii)~~—It consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance or it is otherwise unfit for food.

(vii) ~~(viii)~~—It has been produced, prepared, packed, or held under insanitary conditions in which it may have become

1 contaminated with filth or in which it may have been rendered
 2 diseased, unwholesome, or injurious to health.

3 (viii) ~~(ix)~~—It is the product of a diseased animal or an animal
 4 that has died other than by slaughter or that has been fed
 5 uncooked garbage or uncooked offal from a slaughterhouse.

6 (ix) ~~(x)~~—Its container is composed, in whole or in part, of
 7 any poisonous or deleterious substance that may render the
 8 contents injurious to health.

9 (x) ~~(xi)~~—A valuable constituent has been in whole or in part
 10 omitted or abstracted from the food; a substance has been
 11 substituted wholly or in part for the food; damage or inferiority
 12 has been concealed in any manner; or a substance has been added
 13 to the food or mixed or packed with the food so as to increase
 14 its bulk or weight, reduce its quality or strength, or make it
 15 appear better or of greater value than it is.

16 (xi) ~~(xii)~~—It is confectionery and has partially or completely
 17 imbedded in it any nonnutritive object except ~~in the case of any~~
 18 ~~nonnutritive object~~ if, as provided by rules, the object is of
 19 practical functional value to the confectionery product and would
 20 not render the product injurious or hazardous to health; it **IS**
 21 **CONFECTIONERY AND** bears or contains any alcohol other than
 22 alcohol not in excess of 1/2 of 1% by volume derived solely from
 23 the use of flavoring extracts; or it **IS CONFECTIONERY AND** bears
 24 or contains any nonnutritive substance except a nonnutritive
 25 substance such as harmless coloring, harmless flavoring, harmless
 26 resinous glaze not in excess of 4/10 of 1%, harmless natural wax
 27 not in excess of 4/10 of 1%, harmless natural gum and pectin or

1 ~~to~~ any chewing gum by reason of its containing harmless
 2 nonnutritive masticatory substances which is in or on **THE**
 3 confectionery by reason of its use for some practical functional
 4 purpose in the manufacture, packaging, or storage of such
 5 confectionery if the use of the substance does not promote
 6 deception of the consumer or otherwise result in adulteration or
 7 misbranding in violation of ~~the provisions of this act~~. For the
 8 purpose of avoiding or resolving uncertainty as to the
 9 application of this subdivision, the director may issue rules
 10 allowing or prohibiting the use of particular nonnutritive
 11 substances.

12 **(xii)** ~~(xiii)~~—It is or bears or contains any color additive that
 13 is unsafe within the meaning of ~~subparagraph (v)~~. **SUBSECTION (2)**.

14 **(xiii)** ~~(xiv)~~—It has been intentionally subjected to radiation,
 15 unless the use of the radiation was in conformity with a rule or
 16 exemption under this act or a regulation or exemption under the
 17 federal act.

18 **(xiv)** ~~(xv)~~—It is bottled water that contains a substance at a
 19 level higher than allowed under this act.

20 (b) "Advertisement" means a representation disseminated in
 21 any manner or by any means, other than by labeling, for the
 22 purpose of inducing, or which is likely to induce, directly or
 23 indirectly, the purchase of food.

24 (c) "Agricultural use operation" means a maple syrup
 25 production facility or similar food establishment that finishes a
 26 raw commodity and is integral to the agricultural production of,
 27 and is located at, a farm. An agricultural use operation is not

1 considered a food ~~processing plant~~ **PROCESSOR** or retail processing
2 operation for purposes of personal or real property but must meet
3 those same standards and licensing requirements as prescribed in
4 this act.

5 (d) "Bed and breakfast" means a private residence that
6 offers sleeping accommodations to transient tenants in 14 or
7 fewer rooms for rent, is the innkeeper's residence in which the
8 innkeeper resides while renting the rooms to transient tenants,
9 and serves breakfasts, or other meals in the case of a bed and
10 breakfast described in section ~~1107(n)(ii)~~, **1107(S)(ii)**, at no
11 extra cost to its transient tenants. A bed and breakfast is not
12 considered a food service establishment if exempt under section
13 ~~1107(n)(ii)~~ **1107(S)(ii)** or (iii).

14 (e) "Color additive" means a dye, pigment, or other
15 substance **THAT IS** made by **A** process of synthesis or similar
16 artifice or **IS** extracted, isolated, or otherwise derived, with or
17 without intermediate or final change of identity from a
18 vegetable, animal, mineral, or other source, or when added or
19 applied to a food or any part of a food is capable alone or
20 through reaction with other ~~substance~~ **SUBSTANCES** of imparting
21 color to the food. Color additive does not include any material
22 that is exempt or hereafter is exempted under the federal act.
23 This subdivision does not apply to any pesticide chemical, soil
24 or plant nutrient, or other agricultural chemical solely because
25 of its effect in aiding, retarding, or otherwise affecting,
26 directly or indirectly, the growth of other natural physiological
27 process of produce of the soil and thereby affecting its color,

1 whether before or after harvest. Color includes black, white, and
2 intermediate grays.

3 (F) "CONSUMER" MEANS AN INDIVIDUAL WHO IS A MEMBER OF THE
4 PUBLIC, TAKES POSSESSION OF FOOD, IS NOT FUNCTIONING IN THE
5 CAPACITY OF AN OPERATOR OF A FOOD ESTABLISHMENT OR FOOD
6 PROCESSOR, AND DOES NOT OFFER THE FOOD FOR RESALE.

7 (G) ~~(f)~~—"Contaminated with filth" means ~~contamination~~
8 ~~applicable to any food not~~ CONTAMINATED AS A RESULT OF NOT BEING
9 securely protected from dust, dirt, and, as far as may be
10 necessary by all reasonable means, from all foreign or injurious
11 contaminations.

12 (H) ~~(g)~~—"Continental breakfast" means the serving of only
13 non-potentially-hazardous food such as a roll, pastry or
14 doughnut, fruit juice, or hot beverage, but may also include
15 individual portions of milk and other items incidental to those
16 foods.

17 (I) ~~(h)~~—"Cottage food operation" means a person who produces
18 or packages cottage food products only in a kitchen of that
19 person's primary domestic residence within this state.

20 (J) ~~(i)~~—"Cottage food product" means a food that is not
21 potentially hazardous food as that term is defined in the food
22 code. Examples of cottage food product include, but are not
23 limited to, jams, jellies, dried fruit, candy, cereal, granola,
24 dry mixes, vinegar, dried herbs, and baked goods that do not
25 require temperature control for safety. Cottage food product does
26 not include ~~all~~ **ANY** potentially hazardous food regulated under 21
27 CFR **PARTS** 113 and 114, examples of which include, but are not

1 limited to, meat and poultry products; salsa; milk products;
 2 bottled water and other beverages; and home-produced ice
 3 products. Cottage food product also does not include canned low-
 4 acid fruits or acidified vegetables and other canned foods except
 5 for jams, jellies, and preserves as defined in 21 CFR **PART 150.**

6 **(K)** ~~(j)~~ "Critical violation" ~~or "critical item"~~ means a
 7 violation of the food code that the director determines is more
 8 likely than other violations to contribute to food contamination,
 9 illness to humans, or environmental health hazard. **A CRITICAL**
 10 **VIOLATION IS EQUIVALENT TO A VIOLATION OF A "PRIORITY ITEM" OR**
 11 **"PRIORITY FOUNDATION ITEM" AS THOSE TERMS ARE DEFINED IN SECTION**
 12 **1-201.10 OF THE FOOD CODE.**

13 ~~—— (k) "Domestic residence" means a single family dwelling or~~
 14 ~~an area within a rental unit where a single person or family~~
 15 ~~actually resides. Domestic residence does not include either of~~
 16 ~~the following:~~

17 ~~—— (i) A group or communal residential setting within any type~~
 18 ~~of structure.~~

19 ~~—— (ii) An outbuilding, shed, barn, or other similar structure.~~

20 **(2) ANY ADDED POISONOUS OR DELETERIOUS SUBSTANCE, FOOD**
 21 **ADDITIVE, PESTICIDE CHEMICAL IN OR ON A RAW AGRICULTURAL**
 22 **COMMODITY, OR COLOR ADDITIVE IS CONSIDERED UNSAFE FOR THE PURPOSE**
 23 **OF SUBSECTION (1) (A), UNLESS THERE IS IN EFFECT A FEDERAL**
 24 **REGULATION OR EXEMPTION FROM REGULATION UNDER THE FEDERAL ACT,**
 25 **THE FEDERAL MEAT INSPECTION ACT, 21 USC 601 TO 683, THE POULTRY**
 26 **PRODUCTS INSPECTION ACT, 21 USC 451 TO 472, OR ANOTHER FEDERAL**
 27 **ACT, OR A RULE LIMITING THE QUANTITY OF THE SUBSTANCE, AND THE**

1 USE OR INTENDED USE OF THE SUBSTANCE, AND THE USE OR INTENDED USE
2 OF THE SUBSTANCE CONFORMS TO THE TERMS PRESCRIBED BY THE FEDERAL
3 REGULATION OR EXEMPTION OR THE RULE.

4 Sec. 1107. As used in this act:

5 (a) "Department" means the ~~Michigan~~ department of
6 agriculture **AND RURAL DEVELOPMENT**.

7 (b) "Director" means the director of the ~~Michigan~~ department
8 ~~of agriculture~~ or his or her designee.

9 (C) "DOMESTIC RESIDENCE" MEANS A SINGLE-FAMILY DWELLING OR
10 AN AREA WITHIN A RENTAL UNIT WHERE A SINGLE PERSON OR FAMILY
11 ACTUALLY RESIDES. DOMESTIC RESIDENCE DOES NOT INCLUDE EITHER OF
12 THE FOLLOWING:

13 (i) A GROUP OR COMMUNAL RESIDENTIAL SETTING WITHIN ANY TYPE
14 OF STRUCTURE.

15 (ii) AN OUTBUILDING, SHED, BARN, OR OTHER SIMILAR STRUCTURE.

16 (D) "EGG" DOES NOT INCLUDE A BALUT, WHICH IS AN EMBRYO
17 INSIDE A FERTILE EGG THAT HAS BEEN INCUBATED FOR A PERIOD
18 SUFFICIENT FOR THE EMBRYO TO REACH A SPECIFIC STAGE OF
19 DEVELOPMENT AFTER WHICH IT IS REMOVED FROM INCUBATION BEFORE
20 HATCHING.

21 (E) ~~(e)~~—"Evaluation" means a food safety audit, inspection,
22 or food safety and sanitation assessment, whether announced or
23 unannounced, that identifies violations or verifies compliance
24 with this act and determines the degree of active control by food
25 establishment operators over foodborne illness risk factors.

26 (F) ~~(d)~~—"Extended retail food establishment" means a retail
27 grocery that does both of the following:

1 (i) Serves or provides an unpackaged food for immediate
2 consumption.

3 (ii) Provides customer seating in the food service area.

4 (G) "FAIR" MEANS A FAIR OR EXHIBITION OPERATED AND MANAGED
5 UNDER 1929 PA 11, MCL 46.151 TO 46.153, OR HELD BY AN
6 AGRICULTURAL OR HORTICULTURAL SOCIETY UNDER 1855 PA 80, MCL
7 453.231 TO 453.240.

8 (H) ~~(e)~~—"Fair concession" means a food concession, storage,
9 preparation, or dispensing operation at a state or county fair.

10 (I) "FARMERS' MARKET" MEANS A PUBLIC AND RECURRING ASSEMBLY
11 OF FARMERS OR THEIR REPRESENTATIVES SELLING DIRECTLY TO CONSUMERS
12 FOOD AND PRODUCTS THAT THE FARMERS HAVE PRODUCED THEMSELVES. IN
13 ADDITION, THE MARKET MAY INCLUDE A VARIETY OF OTHER VENDORS AS
14 DETERMINED BY MARKET MANAGEMENT.

15 (J) ~~(f)~~—"Federal act" means the federal food, drug, and
16 cosmetic act, CHAPTER 675, 52 STAT. 1040, 21 USC 301 to ~~397-399D~~.

17 (K) "FESTIVAL" MEANS AN EVENT, STAGED BY A LOCAL COMMUNITY,
18 OR ORGANIZATION WHICH CENTERS ON AND CELEBRATES A CERTAIN ASPECT
19 OF THAT COMMUNITY OR ORGANIZATION. FESTIVAL INCLUDES, BUT IS NOT
20 LIMITED TO, A FAIR, ART SHOW, CHILI COOK-OFF, CAR SHOW, HOT AIR
21 BALLOON FESTIVAL, RELIGIOUS FESTIVAL, DRAMA FESTIVAL, OR CULTURAL
22 FESTIVAL.

23 (L) "FIRST RECEIVER" MEANS A PERSON WHO RECEIVES EGGS FROM A
24 PRODUCER AT ANY PLACE OF BUSINESS AND CANDLES, GRADES, SORTS,
25 PACKS, OR PACKAGES THE EGGS.

26 (M) ~~(g)~~—"Food" means articles used for food or drink for
27 humans or other animals, chewing gum, and articles used for

1 components of any such article.

2 **(N)** ~~(h)~~—"Food additive" means any substance, the intended
3 use of which, directly or indirectly, results in or may be
4 reasonably expected to result in its becoming a component or
5 otherwise affecting the characteristics of any food if that
6 substance is not generally recognized among experts as having
7 been adequately shown through scientific procedures to be safe
8 under the conditions of its intended use. Food additive includes
9 any substance intended for use in producing, manufacturing,
10 packing, processing, preparing, treating, packaging,
11 transporting, or holding food and includes any source of
12 radiation intended for any use. Food additive does not include
13 any of the following:

14 (i) A pesticide chemical in or on a raw agricultural
15 commodity.

16 (ii) A pesticide chemical to the extent that it is intended
17 for use or is used in the production, storage, or transportation
18 of any raw agricultural commodity.

19 (iii) A color additive.

20 (iv) Any substance used in accordance with a sanction or
21 approval granted before the enactment of the food additives
22 amendment of 1958, Public Law 85-929, pursuant to the federal
23 act, the poultry products inspection act, 21 USC 451 to ~~471-472~~,
24 or the **FEDERAL** meat inspection act, ~~of March 4, 1907, chapter~~
25 ~~2907, 34 Stat. 1258.~~ **21 USC 601 TO 683.**

26 **(O)** ~~(i)~~—"Food code" means food code, ~~2005-2009~~
27 recommendations of the food and drug administration of the United

1 States public health service that regulates the design,
2 construction, management, and operation of certain food
3 establishments.

4 (P) ~~(j)~~—"Food establishment" means an operation where food
5 is processed, packed, canned, preserved, frozen, fabricated,
6 stored, prepared, served, sold, or offered for sale. Food
7 establishment includes, **BUT IS NOT LIMITED TO**, a food ~~processing~~
8 ~~plant~~**PROCESSOR, A FOOD WAREHOUSE**, a food service establishment,
9 and a retail grocery. Food establishment does not include any of
10 the following:

11 (i) A charitable, religious, fraternal, or other nonprofit
12 organization operating a home-prepared baked goods sale or
13 serving only home-prepared food in connection with its meetings
14 or as part of a fund-raising event.

15 (ii) An inpatient food operation located in a health facility
16 or agency subject to licensure under article 17 of the public
17 health code, MCL 333.20101 to 333.22260.

18 (iii) A food operation located in a prison, jail, state mental
19 health institute, boarding house, fraternity or sorority house,
20 convent, or other facility where the facility is the primary
21 residence for the occupants and the food operation is limited to
22 serving meals to the occupants as part of their living
23 arrangement.

24 (iv) **A PRODUCER SELLING EGGS FROM FEWER THAN 3,000 HENS, IN**
25 **CONTAINERS THAT EACH BEAR A LABEL STATING "PACKAGED IN A FACILITY**
26 **THAT HAS NOT BEEN INSPECTED BY THE DEPARTMENT", DIRECTLY TO**
27 **CONSUMERS OR TO A FIRST RECEIVER AND NOT BY INTERNET, MAIL ORDER,**

1 OR CONSIGNMENT.

2 (Q) ~~(k)~~—"Food ~~processing plant~~ **PROCESSOR**" means a food
 3 establishment that processes, manufactures, **WHOLESALES**, packages,
 4 labels, or stores food. ~~and does not provide food directly to a~~
 5 ~~consumer.~~ Food ~~processing plant~~ **PROCESSOR** does not include a
 6 maple syrup producer. **PROCESSING IS AN ACT, SUCH AS CANNING,**
 7 **FREEZING, DEHYDRATING, DRYING, DISTILLING, EXTRACTING,**
 8 **PRESERVING, GRINDING, CRUSHING, MILLING, WASHING, TRIMMING,**
 9 **PACKING, OR OTHERWISE PRESERVING OR CHANGING THE FORM OF A FOOD.**

10 (R) ~~(l)~~—"Food safety and sanitation assessment" means judging
 11 or assessing specific food handling activities, events,
 12 conditions, or management systems in an effort to determine their
 13 potential effectiveness in controlling risks for foodborne
 14 illness and required compliance with this act, accompanied by a
 15 report of findings.

16 (S) ~~(m)~~—"Food safety audit" means the methodical examination
 17 and review of records, food sources, food handling procedures,
 18 and facility cleaning and sanitation practices for compliance
 19 with this act, accompanied by a report of findings. Food safety
 20 audit includes checking or testing, or both, of observable
 21 practices and procedures to determine compliance with standards
 22 contained in or adopted by this act, accompanied by a report of
 23 findings.

24 (T) ~~(n)~~—"Food service establishment" means a fixed or mobile
 25 restaurant, coffee shop, cafeteria, short order cafe,
 26 luncheonette, grill, tearoom, sandwich shop, soda fountain,
 27 tavern, bar, cocktail lounge, nightclub, drive-in, industrial

1 feeding establishment, private organization serving the public,
 2 rental hall, catering kitchen, delicatessen, theater, commissary,
 3 food concession, or similar place in which food or drink is
 4 prepared for direct consumption through service on the premises
 5 or elsewhere, and any other eating or drinking establishment or
 6 operation where food is served or provided for the public. Food
 7 service establishment does not include any of the following:

8 (i) A motel that serves continental breakfasts only.

9 (ii) A bed and breakfast that has 10 or fewer sleeping rooms,
 10 including sleeping rooms occupied by the innkeeper, 1 or more of
 11 which are available for rent to transient tenants.

12 (iii) A bed and breakfast that has at least 11 but fewer than
 13 15 rooms for rent, if the bed and breakfast serves continental
 14 breakfasts only.

15 (iv) A child care organization regulated under 1973 PA 116,
 16 MCL 722.111 to 722.128, unless the establishment is carrying out
 17 an operation considered by the director to be a food service
 18 establishment.

19 (U) ~~(e)~~ "Food warehouse" means a food establishment that
 20 stores or distributes ~~prepackaged food for wholesaling.~~ **WHOLESALE.**

21 Sec. 1109. As used in this act:

22 (A) **"GUIDE FOR THE CONTROL OF MOLLUSCAN SHELLFISH" MEANS**
 23 **SECTION II, MODEL ORDINANCE, NATIONAL SHELLFISH SANITATION**
 24 **PROGRAM GUIDE FOR THE CONTROL OF MOLLUSCAN SHELLFISH, 2009,**
 25 **RECOMMENDATIONS OF THE U.S. DEPARTMENT OF HEALTH AND HUMAN**
 26 **SERVICES, PUBLIC HEALTH SERVICE, FOOD AND DRUG ADMINISTRATION.**

27 (B) **"HACCP PLAN" MEANS A WRITTEN DOCUMENT THAT DELINEATES**

1 THE FORMAL PROCEDURES FOR FOLLOWING THE HAZARD ANALYSIS AND
2 CRITICAL CONTROL POINT PRINCIPLES DEVELOPED BY THE NATIONAL
3 ADVISORY COMMITTEE ON MICROBIOLOGICAL CRITERIA FOR FOODS.

4 (C) ~~(a)~~—"Imminent or substantial hazard" means a condition
5 at a food establishment that the director determines requires
6 immediate action to prevent endangering the health of people.

7 (D) ~~(b)~~—"Inspection" means the checking or testing of
8 observable practices against standards established in or adopted
9 by this act, accompanied by a report of findings.

10 (E) ~~(c)~~—"Juice" means the aqueous liquid expressed or
11 extracted from 1 or more fruits or vegetables, purees of the
12 edible portions of 1 or more fruits or vegetables, or any
13 concentrates of such liquid or puree.

14 (F) ~~(d)~~—"Label" means a display of written, printed, or
15 graphic matter upon the immediate container of any article and
16 includes a requirement imposed under this act that any word,
17 statement, or other information appearing on the display also
18 appear on the outside container or wrapper of the retail package
19 of the article or be easily legible through the outside container
20 or wrapper.

21 (G) ~~(e)~~—"Labeling" means all labels and other written,
22 printed, or graphic matter upon an article, any of its containers
23 or wrappers, or accompanying the article.

24 (H) ~~(f)~~—"License limitation" means an action by which the
25 director imposes restrictions or conditions, or both, on a
26 license of a food establishment.

27 (I) ~~(g)~~—"License holder" means the ~~entity that~~ **PERSON WHO** is

1 legally responsible for the operation of ~~the~~ **A** food establishment
 2 including the owner, the owner's agent, or other person operating
 3 under apparent authority of the owner ~~possessing~~ **AND WHO**

4 **POSSESSES** a valid license to operate a food establishment.

5 (J) ~~(h)~~ "Limited ~~wholesale~~ food processor" means a ~~wholesale~~
 6 food processor that ~~has~~ **HAD IN THE PRECEDING LICENSING YEAR OR IS**
 7 **REASONABLY ANTICIPATED TO HAVE IN THE CURRENT LICENSING YEAR**
 8 \$25,000.00 or less in annual gross wholesale sales made or
 9 business done in wholesale sales. ~~in the preceding licensing~~
 10 ~~year, or \$25,000.00 or less of the food is reasonably anticipated~~
 11 ~~to be sold for the current licensing year.~~ Only the food sales
 12 from the ~~wholesale~~ food processor operation ~~are~~ **SHALL BE** used in
 13 computing the annual gross sales under this subdivision.

14 (K) ~~(i)~~ "Local health department" means that term as defined
 15 in section 1105 of the public health code, MCL 333.1105, and
 16 having those powers and duties as described in part 24 of the
 17 public health code, MCL 333.2401 to 333.2498.

18 (I) **"MICHIGAN BRIDGE CARD" MEANS THE CARD USED FOR THE**
 19 **ELECTRONIC BENEFIT TRANSFER SYSTEM FOR FOOD STAMP DISTRIBUTION**
 20 **REQUIRED UNDER SECTION 14H OF THE SOCIAL WELFARE ACT, 1939 PA**
 21 **280, MCL 400.14H.**

22 (M) ~~(j)~~ "Milk product" means cream, light cream, light
 23 whipping cream, heavy cream, heavy whipping cream, whipped cream,
 24 whipped light cream, sour cream, acidified sour cream, cultured
 25 sour cream, half-and-half, sour half-and-half, acidified sour
 26 half-and-half, cultured sour half-and-half, reconstituted or
 27 recombined milk and milk products, concentrated milk,

1 concentrated milk products, skim milk, lowfat milk, frozen milk
2 concentrate, eggnog, buttermilk, cultured milk, cultured lowfat
3 milk, cultured skim milk, yogurt, lowfat yogurt, nonfat yogurt,
4 acidified milk, acidified lowfat milk, acidified skim milk, low-
5 sodium milk, low-sodium lowfat milk, low-sodium skim milk,
6 lactose-reduced milk, lactose-reduced lowfat milk, lactose-
7 reduced skim milk, aseptically processed and packaged milk, milk
8 products with added safe and suitable microbial organisms, and
9 any other milk product made by the addition or subtraction of
10 milkfat or addition of safe and suitable optional ingredients for
11 protein, vitamin, or mineral fortification. Milk product does
12 include dietary dairy products, dairy-based infant formula, ice
13 cream and other frozen desserts, cheese, butter, and any other
14 product derived from milk.

15 (N) ~~(K)~~—"Misbranded" means food to which any of the
16 following apply:

17 (i) Its labeling is false or misleading in any particular.

18 (ii) It is offered for sale under the name of another food.

19 (iii) It is an imitation of another food unless its label
20 bears, in type of uniform size and prominence, the word
21 "imitation" and immediately thereafter the name of the food
22 imitated.

23 (iv) Its container is so made, formed, or filled as to be
24 misleading.

25 (v) It is in package form, unless it bears a label
26 containing both the name and place of business of the
27 manufacturer, packer, or distributor and an accurate statement of

1 the quantity of the contents in terms of weight, measure, or
2 numerical count subject to reasonable variations ~~as are permitted~~
3 and exemptions ~~as to~~ **FOR** small packages ~~as are established by~~
4 rules. ~~prescribed by the department.~~

5 (vi) Any word, statement, **DATE**, or other labeling required by
6 this act is not prominently placed on the label or labeling
7 conspicuously and in such terms as to render it likely to be read
8 and understood by the ordinary individual under customary
9 conditions of purchase and use.

10 (vii) It purports to be or is represented as a food for which
11 a definition and standard of identity have been prescribed **BY**
12 **REGULATIONS PROMULGATED UNDER THE FEDERAL ACT OR** by rules, ~~as~~
13 ~~provided by this act or under the federal act,~~ unless it conforms
14 to ~~such~~ **THE** definition and standard and its label bears the name
15 of the food specified in the definition and standard, and,
16 insofar as may be required by the **REGULATIONS OR** rules, the
17 common names of optional ingredients, other than spices,
18 flavoring, and coloring, present in ~~such~~ **THE** food.

19 (viii) It purports to be or is represented to be either of the
20 following:

21 (A) A food for which a standard of quality has been
22 prescribed by this act or rules ~~and~~ **IF** its quality falls below
23 ~~such~~ **THE** standard unless its label bears, in such manner and form
24 as such rules specify, a statement that it falls below such
25 standard.

26 (B) A food for which a standard or standards of fill of
27 container have been prescribed by this act or rules and ~~it~~ **THAT**

1 falls below the standard of fill of container applicable, unless
2 its label bears, in such manner and form as the rules specify, a
3 statement that it falls below the standard.

4 (ix) It does not bear labeling clearly giving the common or
5 usual name of the food, if one exists, and if fabricated from 2
6 or more ingredients, the common or usual name of each ingredient
7 except that spices, flavorings, and colorings, other than those
8 sold as such, may be designated as spices, flavorings, and
9 colorings, without naming each and **EXCEPT** under other

10 circumstances as established by rules regarding exemptions based
11 upon practicality, potential deception, or unfair competition.

12 (x) It bears or contains any artificial flavoring,
13 artificial coloring, or chemical preservative unless the labeling
14 states that fact and under other circumstances as established by
15 rules regarding exemptions based upon practicality.

16 (xi) If a food intended for human consumption and offered for
17 sale, its label and labeling do not bear the nutrition
18 information required under section 403(q) of the federal act, 21
19 USC 343.

20 (xii) It is a product intended as an ingredient of another
21 food and, when used according to the directions of the purveyor,
22 will result in the final food product being adulterated or
23 misbranded.

24 (xiii) It is a color additive whose packaging and labeling are
25 not in conformity with packaging and labeling requirements
26 applicable to such color additive prescribed under ~~the provisions~~
27 ~~of the~~ federal act.

(O) ~~(H)~~—"Mobile food establishment" means a food establishment operating from a vehicle, ~~or~~ **INCLUDING A** watercraft, that returns to a licensed commissary for servicing and maintenance at least once every 24 hours.

(P) ~~(m)~~—"Mobile food establishment commissary" means an operation that is capable of servicing a mobile food establishment.

(Q) **"NONCRITICAL VIOLATION" MEANS A VIOLATION OF THE FOOD CODE THAT IS NOT A CRITICAL VIOLATION. A NONCRITICAL VIOLATION IS EQUIVALENT TO A VIOLATION OF A "CORE ITEM" AS THAT TERM IS DEFINED IN SECTION 1-201.10 OF THE FOOD CODE.**

(R) **"NONPERISHABLE FOOD" MEANS FOOD THAT IS NOT PERISHABLE FOOD.**

(S) **"PERISHABLE FOOD" MEANS ANY FOOD THAT THE MANUFACTURER, PACKER, OR RETAILER, IN CONJUNCTION WITH THE DEPARTMENT, DETERMINES TO HAVE A SIGNIFICANT RISK OF SPOILAGE, LOSS OF VALUE, OR LOSS OF PALATABILITY WITHIN 90 DAYS OF THE DATE OF PACKAGING.**

(T) ~~(n)~~—"Person" means an individual, sole proprietorship, partnership, corporation, association, or other legal entity.

(U) ~~(e)~~—"Pesticide chemical" means any substance that, alone, in chemical combination, or in formulation with 1 or more other substances, is a pesticide within the meaning of the federal insecticide, fungicide, and rodenticide act, 7 USC 136 to 136y, and is used in the production, storage, or transportation of raw agricultural commodities.

(V) ~~(p)~~—"Principal display panel" means that part of a label that is most likely to be displayed, presented, shown, or

1 examined under normal and customary conditions of display for
2 retail sale.

3 (W) ~~(e)~~—"Public health code" means 1978 PA 368, MCL 333.1101
4 to 333.25211.

5 Sec. 1111. As used in this act:

6 (a) "Raw agricultural commodity" means any food in its raw
7 or natural state including fruits that are washed, colored, or
8 otherwise treated in their unpeeled natural form before
9 marketing.

10 (b) "Regulatory authority" means the department, the local
11 health department, or the authorized representative having
12 jurisdiction over the **FOOD** establishment.

13 (c) "Retail food establishment" means an operation that
14 sells or offers to sell food directly to a consumer. Retail food
15 establishment includes both a retail grocery and a food service
16 establishment, but does not include a food ~~processing~~
17 ~~plant~~. **PROCESSOR**.

18 (d) "Retail grocery" means an operation that sells or offers
19 to sell food to ~~the~~ consumers for off-premises consumption. ~~Off-~~
20 ~~premises~~ **FOOD FOR OFF-PREMISES** consumption does not include take-
21 out food intended for immediate consumption.

22 (e) "Rules" means administrative rules promulgated under
23 this act pursuant to the administrative procedures act of 1969,
24 1969 PA 306, MCL 24.201 to 24.328.

25 (F) **"SHELLFISH DEALER" MEANS A CERTIFIED INTERSTATE**
26 **WHOLESALE HANDLING SHELLFISH.**

27 (G) **"SHELLFISH DEALER CERTIFICATION" MEANS THE ISSUANCE OF A**

1 NUMBERED CERTIFICATE TO A PERSON INDICATING THAT THE PERSON IS IN
2 COMPLIANCE WITH THE REQUIREMENTS OF THE GUIDE FOR THE CONTROL OF
3 MOLLUSCAN SHELLFISH AND THAT THE PERSON HAS PERMISSION FROM THE
4 DEPARTMENT TO CONDUCT 1 OR MORE OF THE FOLLOWING SHELLFISH
5 ACTIVITIES, AS DEFINED IN THE GUIDE FOR THE CONTROL OF MOLLUSCAN
6 SHELLFISH:

7 (i) SHELLSTOCK SHIPPER.

8 (ii) SHUCKER PACKER.

9 (iii) REPACKER OR RESHIPPER.

10 (H) ~~(f)~~ "Smoked fish rules" means ~~regulation no. 285.569-R~~
11 285.569.1 TO 285.569.19 of the Michigan administrative code. ~~7~~
12 ~~promulgated under former 1968 PA 39.~~

13 (I) ~~(g)~~ "Special transitory food unit" means a temporary
14 food establishment that is licensed to operate throughout the
15 state without the 14-day limits or a mobile food establishment
16 that is not required to return to a commissary.

17 (J) "STAPLE FOODS" DOES NOT INCLUDE ACCESSORY FOODS SUCH AS
18 COFFEE, TEA, COCOA, SODA, NONCARBONATED DRINKS SUCH AS SPORTS
19 DRINKS, PUNCHES, AND FLAVORED WATERS, CANDY, CONDIMENTS, SPICES,
20 HOT FOODS, OR FOODS READY TO GO OR MADE TO TAKE OUT, SUCH AS
21 PREPARED SANDWICHES OR SALADS.

22 (K) ~~(h)~~ "Sulfiting agents" means any of the following:

23 (i) Sulfur dioxide.

24 (ii) Sodium sulfite.

25 (iii) Sodium bisulfite.

26 (iv) Potassium bisulfite.

27 (v) Sodium metabisulfite.

(vi) Potassium metabisulfite.

(I) ~~(i)~~—"Temporary food establishment" means a food establishment which operates at a fixed location for a temporary period not to exceed 14 consecutive days.

(M) ~~(j)~~—"Temporary license" means a written authorization issued by the director to operate for a specified limited time period.

(N) ~~(k)~~—"Transient tenant" means a person who rents a room in a bed and breakfast for fewer than 30 consecutive days.

(O) "TRIMMING" IS AN ACT OF REMOVING LEAVES, ROOTS, AND OTHER EXTRANEEOUS MATERIALS IN PREPARATION FOR GRADING, SORTING, AND SALE AS A WHOLE FRUIT OR VEGETABLE. TRIMMING DOES NOT REMOVE THE PEEL OR CORE AND DOES NOT FURTHER CUT THE WHOLE FRUIT OR VEGETABLE.

(P) "U.S. STANDARDS FOR SHELL EGGS" MEANS UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS, AMS 56 (JULY 20, 2000), UNITED STATES DEPARTMENT OF AGRICULTURE.

(Q) ~~(l)~~—"Vending machine" means a self-service device offered for public use that, upon activation by a coin, token, card, key, or paper currency, dispenses unit servings of food or beverages without the necessity of replenishing the device between each vending operation. Vending machine does not include any of the following:

(i) A device that dispenses only bottled or canned soft drinks; other packaged nonperishable foods or beverages; or bulk ball gum, nuts, and panned candies.

(ii) A water-dispensing machine that is registered under

chapter IV.

(R) ~~(m)~~ "Vending machine location" means the room, enclosure, space, or area in which 1 or more vending machines are installed and operated.

(S) ~~(n)~~ "Wholesale" means selling ~~to retailers or jobbers~~ rather ~~OTHER~~ than directly to consumers.

~~(o) "Wholesale food processor" means an operation that processes, manufactures, packages, or labels food for wholesaling.~~

(T) ~~(p)~~ "Wild game" means animals from their natural state and not cultivated, domesticated, or tamed.

Sec. 2119. (1) Notwithstanding section 12909(1) of the public health code, MCL 333.12909, the department may promulgate rules to prescribe criteria for food service ~~sanitation~~ programs by local health departments. The department in promulgating these rules shall seek the advice and counsel of local health departments and the food service industry.

(2) THE DEPARTMENT SHALL PROVIDE EVALUATION, CONSULTATION, AND TRAINING SUPPORT TO LOCAL HEALTH DEPARTMENTS DELEGATED AUTHORITY AND RESPONSIBILITY TO PERFORM FOOD SERVICE PROGRAM ACTIVITIES UNDER SECTION 3105.

(3) ~~(2)~~ The department shall periodically conduct comprehensive reviews of each local health department's food service ~~sanitation~~ program. The reviews shall be based on criteria developed by the department with input from local health departments and ~~shall~~ **MAY** include a review of ~~both~~ **1 OR MORE ELEMENTS** of the following:

(a) ~~The adequacy of sanitary conditions in~~ **COMPLIANCE WITH THIS ACT BY** the food service establishments within the local health department jurisdiction.

(b) The competency and training of the food service ~~inspection~~ **EVALUATION** personnel.

(C) COMPLIANCE WITH THE DELEGATED PROGRAM ACTIVITIES AND ESTABLISHED PROGRAM REVIEW CRITERIA, INCLUDING IMPLEMENTATION OF RISK-BASED STRATEGIES.

Sec. 2125. (1) The department shall charge the following fees for the following services:

(a) A reissuance of a duplicate license, \$15.00.

(b) A free-sale letter, \$25.00 per letter in an order and \$5.00 per duplicate letter in the same order.

(c) An evaluation of a food establishment ~~when~~ **IF** the evaluation is a second reevaluation of a food establishment that has already been evaluated and found to ~~contain~~ **HAVE** a critical violation or **IF** the evaluation is performed at the request of the operator, \$60.00.

(D) A SHELLFISH DEALER'S CERTIFICATE, \$150.00 ANNUALLY.

(E) ~~(d)~~ A review and approval of training materials, \$60.00 per hour.

(F) ~~(e)~~ A special transitory food unit plan review, \$197.00.

(G) ~~(f)~~ A plan review as specified in section 8-201.11 of the food code, \$197.00.

(2) Fees collected under this section shall be deposited in the dairy and food safety fund **CREATED IN SECTION 4117** for enforcement of this act.

(3) The services referred to in subsection ~~(1)(d) and (e)~~
 (1)(E) AND (F) involve the formal review and approval procedure.
 The department may provide informal review or answer questions
 without charging a fee.

Sec. 2129. (1) ~~Beginning June 30, 2009, ALL OF~~ the following
 food establishments shall employ a minimum of 1 managerial
 employee who is currently certified under a personnel
 certification program accredited by the American national
 standards institute, utilizing the conference for food protection
 standards:

(a) A food service establishment that is not any of the
 following:

~~(i) A mobile food establishment.~~

(i) ~~(ii)~~ Operating under a temporary food service
 establishment license.

~~(iii) A special transitory food unit.~~

(ii) ~~(iv)~~ A vending machine location.

(b) An extended retail food establishment.

(c) ~~The operation of a food service establishment OPERATED~~
 within a retail grocery.

(2) An individual certified under subsection (1) shall be
 recognized with full faith and credit by the state and all local
 units of government throughout the state.

(3) The department may promulgate rules to do all of the
 following:

(a) ~~By January 1, 2009, develop~~ DEVELOP requirements for
 retail food establishments to follow when employing certified

1 food safety managers or personnel.

2 (b) Set a reasonable date for compliance with the
3 requirements **UNDER SUBDIVISION (A)** taking into consideration
4 existing local personnel certification requirements.

5 (c) Establish certification fees necessary to implement,
6 maintain, and track certified individuals directly or by
7 contract. The department may annually adjust the schedule of fees
8 to provide that the fee charged is sufficient to cover the cost
9 of the certification tracking program.

10 (d) Implement and enforce the requirements described in
11 subdivision (a).

12 **(4)** ~~(e)~~—The certification program developed by the American
13 national standards institute, as it exists on ~~the effective date~~
14 ~~of the amendatory act that added this section~~ **APRIL 1, 2008**, is
15 incorporated by reference. The department may adopt updates to
16 the certification program accreditation standards in subsection
17 (1) by rule.

18 **(5)** ~~(4)~~—This section does not prohibit any local legislative
19 body from implementing a food handler program, an employee health
20 certification program, or a manager certification program,
21 ~~provided~~ **IF** it is not in conflict with this section.

22 **SEC. 2132. THE DEPARTMENT MAY ENTER INTO AGREEMENTS WITH**
23 **OTHERS STATES AND THE FEDERAL GOVERNMENT TO PROVIDE AND ACCEPT**
24 **FOOD SAFETY ASSISTANCE, INCLUDING THE TRAINING OF PERSONNEL. ANY**
25 **EMPLOYEE OF THE DEPARTMENT ASSIGNED TO FOOD SAFETY DUTIES OR**
26 **TRAINING PROGRAMS OUTSIDE THIS STATE SHALL BE CONSIDERED TO BE**
27 **WORKING INSIDE THIS STATE FOR PURPOSES OF COMPENSATION AND ANY**

1 **OTHER EMPLOYEE BENEFITS.**

2 Sec. 3103. As used in this chapter:

3 (a) "Certified health department" means a county, district,
4 or city health department that meets the criteria for
5 certification of health departments established by this act and
6 that is authorized by the director to enforce this act for retail
7 groceries, food ~~processing plants~~ **PROCESSORS**, or fair
8 concessions.

9 (b) "Foodborne illness outbreak" means an incident where any
10 of the following occur:

11 (i) Two or more persons, not of the same household, have
12 ingested a common food and have a similar disease ~~—OR~~ similar
13 symptoms ~~—or~~ excrete the same pathogens, and there is a time,
14 place, or person association between these persons.

15 (ii) There is a single case of suspected botulism, mushroom
16 poisoning, paralytic shellfish poisoning, or other rare disease.

17 (iii) There is a case of a disease or poisoning that can be
18 definitely related to ingestion of a food.

19 (c) "Food service ~~sanitation~~ program" means the systematic
20 activity of the department and a local health department for
21 effective administration and enforcement of the food code and
22 this act, including all of the following:

23 (i) Periodic evaluations of food service establishments,
24 temporary food service establishments, vending machines, and
25 vending machine locations for compliance with law.

26 (ii) Support of recommendations for licensure with
27 appropriate records.

(iii) Review of plans and specifications for new and extensively remodeled establishments.

(iv) Educational activities.

(v) Investigation of reports of foodborne illnesses.

(vi) Other activities which may be necessary to ~~assure~~**ENSURE** proper implementation of this act.

Sec. 3105. (1) The department shall delegate the authority and responsibility for the enforcement of the requirements pertaining to food service establishments contained in this act and ~~the rules promulgated under this act~~ to local health departments meeting the program criteria provided for in this act and rules. ~~promulgated under this act.~~ The local health departments shall enforce this act and ~~the rules promulgated under this act~~ and may delegate enforcement authority under ~~an~~**A** **PLAN OF** organization approved pursuant to section 2431 of the public health code, MCL 333.2431. If a food service ~~sanitation~~ program is discontinued or is revoked for failure to meet the program criteria, redelegation to a local health department by the director of the program ~~under this section~~ is not required. Local health departments delegated authority under this chapter shall enforce this act and rules ~~promulgated under this act~~ in the manner provided for in part 24 of the public health code, MCL 333.2401 to 333.2498, except that late fees under section 4113, administrative fines under section 5105, and ~~felony penalties~~ **CRIMINAL FINES** under section 5107 are specifically not delegated to the local health departments.

(2) ~~When~~**IF** a food service establishment is a part of a

1 retail grocery or food ~~processing plant~~ **PROCESSOR** and the retail
2 grocery and food ~~processing plant~~ **PROCESSOR** are the predominant
3 part of the food business as determined by the department,
4 authority and responsibility pertaining to that establishment are
5 not delegated under ~~this section~~ **SUBSECTION (1)**.

6 (3) ~~When~~ **IF** a retail grocery or food ~~processing plant~~
7 **PROCESSOR** is a part of a food service establishment but the food
8 service establishment is the predominant part of the food
9 business as determined by the department, the authority and
10 responsibility for the entire establishment are delegated under
11 subsection (1).

12 (4) Mobile and temporary food establishments **AND SPECIAL**
13 **TRANSITORY FOOD UNITS** that are predominantly food service
14 establishments as determined by the department are delegated to
15 the local health departments under ~~this section~~ **SUBSECTION (1)**.
16 Mobile and temporary food establishments **AND SPECIAL TRANSITORY**
17 **FOOD UNITS** that are predominantly retail groceries **OR FOOD**
18 **PROCESSORS** are not delegated under subsection (1).

19 Sec. 3125. (1) Subject to subsection (3), a local health
20 department, with the approval of the director and based on
21 criteria developed by the department in consultation with local
22 health departments, may reduce the frequency of evaluations of
23 individual food service establishments if the local health
24 department determines that a reduced evaluation frequency will
25 not adversely affect food ~~service sanitation~~ **SAFETY** practices
26 within the food service establishment.

27 (2) A food service establishment which, upon investigation,

1 is implicated in a foodborne illness outbreak or chemical
2 intoxication shall be evaluated by the director in compliance
3 with section 3123 for not less than **EACH OF** the next 12 months.

4 (3) A local health department shall not reduce the minimum
5 frequency of evaluations of any food service establishment to
6 less than that described in section 3123 unless approved by the
7 department.

8 Sec. 3127. (1) The findings of an evaluation of a food
9 service establishment shall be recorded on an evaluation report
10 form approved by the department. The form shall identify those
11 items considered to be critical from a public health standpoint.
12 **A VIOLATION BY A FOOD ESTABLISHMENT OF SECTION 12603 OR 12905 OF**
13 **THE PUBLIC HEALTH CODE, MCL 333.12603 AND 333.12905, IS NOT A**
14 **CRITICAL VIOLATION OF THIS ACT OR THE FOOD CODE.**

15 (2) The evaluation report shall summarize findings relative
16 to compliance with the requirements of this act. The report form
17 shall be signed and dated by the ~~local health department~~
18 ~~representative.~~**DIRECTOR.**

19 (3) Upon completion of the evaluation, a copy of the
20 completed evaluation report form shall be furnished to the person
21 in charge of the food service establishment. ~~The~~**IF THE** person in
22 charge ~~shall~~**DOES NOT** sign the report form acknowledging receipt,
23 **DELIVERY OF THE REPORT FORM TO THE PERSON IN CHARGE SHALL BE**
24 **OTHERWISE DOCUMENTED BY THE DIRECTOR.**

25 Sec. 3133. Laboratories capable of providing the necessary
26 analyses of food samples shall be utilized by a local health
27 department to assist in the conduct of a food service ~~sanitation~~

1 program.

2 Sec. 4102. (1) A cottage food operation is exempt from the
3 licensing and evaluation provisions of this act. This exemption
4 does not include an exemption from the adulteration and other
5 standards imposed in this section or under this act, or both, and
6 does not limit the ability of the department to take appropriate
7 enforcement action for applicable violations as described in
8 section 5101. This subsection does not require a cottage food
9 operation to meet the standards contained in 21 CFR **PART** 110 or
10 the ~~2005 federal food code. , or both.~~

11 (2) Cottage food products shall be prepackaged and properly
12 labeled prior to sale.

13 (3) At a minimum, a cottage food operation shall place on
14 the label of any food it produces or packages the following
15 information:

16 (a) The name and address of the business of the cottage food
17 operation.

18 (b) The name of the cottage food product.

19 (c) The ingredients of the cottage food product, in
20 descending order of predominance by weight.

21 (d) The net weight or net volume of the cottage food
22 product.

23 (e) Allergen labeling as specified by federal labeling
24 requirements.

25 (f) If any nutritional claim is made, appropriate labeling
26 as specified by federal labeling requirements.

27 (g) The following statement printed in at least the

equivalent of 11-point font size in a color that provides a clear contrast to the background: "Made in a home kitchen that has not been inspected by the Michigan department of agriculture **AND RURAL DEVELOPMENT.**".

(4) Cottage food products may be sold directly from the cottage food operation to the consumer only, and not by internet or mail order. Sales by consignment or at wholesale are prohibited.

(5) The gross sales of cottage food products **BY A COTTAGE FOOD OPERATION** shall not exceed \$15,000.00 annually. ~~The determination of the \$15,000.00 annual~~ **FOR THE PURPOSES OF THIS SUBSECTION**, gross sales shall be computed on the basis of the amount of gross sales within or at a particular domestic residence and shall not be computed on a per-person basis within or at that domestic residence. The department may request in writing documentation to verify the annual gross sales figure.

(6) Cottage food products shall be stored only in the primary domestic residence.

(7) An exemption under this section does not affect the application of any other state or federal laws or any applicable ordinances enacted by any local unit of government.

Sec. 4103. (1) An applicant shall submit an application for a food establishment license at least 30 calendar days before the date planned for its opening or the change of ownership. For temporary food establishments applying less than 4 days from opening, the director may charge twice the applicable license fee to perform the licensing evaluation.

1 (2) Application for the license under subsection (1) shall
2 be submitted upon the forms approved by the department and shall
3 contain the reasonable information required by the department to
4 process the application.

5 (3) An application for a mobile food establishment license
6 shall include all of the following information:

7 (a) The location and dates of the operation.

8 (b) The name and address of the commissary that will service
9 the applicant.

10 (4) Within 10 days after a change in the servicing
11 commissary, the mobile food establishment licensee shall submit
12 an affidavit containing the name and address of the new
13 commissary servicing the licensee.

14 **(5) THE LOCAL HEALTH DEPARTMENT SHALL FORWARD LICENSE**
15 **RECOMMENDATIONS TO THE DEPARTMENT. SECTION 3119(7) DOES NOT**
16 **APPLY.**

17 (6) ~~(5)~~—The director may issue a temporary food
18 establishment license. **THE DIRECTOR, PURSUANT TO UNIFORMLY**
19 **APPLIED DEPARTMENT GUIDANCE, MAY DECLINE TO ISSUE MULTIPLE**
20 **TEMPORARY FOOD ESTABLISHMENT LICENSES FOR THE SAME ESTABLISHMENT**
21 **WITHIN A GIVEN CALENDAR YEAR.**

22 Sec. 4105. (1) Except as otherwise provided for in
23 subsection (2), a person, establishment, or organization that is
24 1 or more of the following is exempt from the licensure
25 requirements under this act:

26 (a) Subject to subsection (2), an establishment licensed
27 under 1 of the following acts while conducting activities within

1 the scope of that act:

2 Public Act No.	Year	Compiled Law Sections
3 141	1939	285.61 to 285.88
4 228	1959	286.371 to 286.379
5 158	1964	290.451 to 290.466
6 266	2001	288.471 to 288.540
7 267	2001	288.561 to 288.740

8 (i) GRAIN DEALERS ACT, 1939 PA 141, MCL 285.61 TO 285.88.

9 (ii) 1959 PA 228, MCL 286.371 TO 286.379.

10 (iii) 1964 PA 158, MCL 290.451 TO 290.466.

11 (iv) GRADE A MILK LAW OF 2001, 2001 PA 266, MCL 288.471 TO
12 288.540.

13 (v) MANUFACTURING MILK LAW OF 2001, 2001 PA 267, MCL 288.561
14 TO 288.740.

15 (b) A person that is offering only whole uncut fresh fruits
16 and vegetables directly to consumers.

17 (c) Consumers or nonprofit cooperatives of consumers in
18 compliance with the nonprofit corporation act, 1982 PA 162, MCL
19 450.2101 to 450.3192, providing products from regulated sources
20 only for their own use.

21 (d) Nonprofit cooperatives in compliance with the nonprofit
22 corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, who are
23 growers selling unprocessed products of their own production or
24 are producers selling unprocessed products of their own
25 production from regulated sources.

26 (e) Retail outlets for the sale of prepackaged honey or

1 maple syrup produced in Michigan if the outlet is operated by the
2 producer and the processing facility is licensed under this act.
3 Both retail outlets and processing facilities are exempt from
4 licensure under this act for producers with gross sales of
5 \$15,000.00 or less of honey or maple syrup. In such case, the
6 honey and maple syrup shall have labeling substantially similar
7 to that for cottage food products as described in section
8 4102(3).

9 (f) A temporary food establishment with no food preparation
10 using only single-service articles and serving only non-
11 potentially-hazardous food or beverage.

12 (g) A retail food establishment that does both of the
13 following:

14 (i) Only sells prepackaged, non-potentially-hazardous foods.

15 (ii) Offers only an incidental amount of food, such as the
16 sale of single-service packages.

17 (h) A mobile food establishment, such as an ice cream truck,
18 that offers only prepackaged, single-serving frozen desserts.

19 (i) An event not open to the general public held by a
20 nonprofit trade association representing food establishments,
21 suppliers, or manufacturers where limited food preparation takes
22 place for the purpose of advertising, displaying, promoting, and
23 sampling prepared food.

24 (j) A commercial fishing guide service that serves lunch to
25 a party of not more than 12 clients on or adjacent to a body of
26 water, river, or stream while pursuing, ~~capturing,~~ catching,
27 killing, taking, or attempting to take fish. As used in this

1 subparagraph, "commercial fishing guide service" means a service
2 provided for a fee or other valuable consideration, regardless of
3 whether the fee or other valuable consideration is paid directly
4 or indirectly, to assist another person in pursuing, ~~capturing,~~
5 catching, killing, taking, or attempting to take fish.

6 (k) A person owning or operating a device that dispenses
7 only bottled or canned soft drinks; other packaged nonperishable
8 foods or beverages; or bulk gum, nuts, and panned candies.

9 (l) Feeding operations set up in response to an emergency or
10 disaster.

11 (M) A PERSON OPERATING AS A FOOD WAREHOUSE OR FOOD PROCESSOR
12 CONTAINING ONLY UNCUT FRUITS OR VEGETABLES, OR BOTH, THAT MEETS
13 ALL OF THE FOLLOWING CRITERIA:

14 (i) THE ESTABLISHMENT IS OWNED AND OPERATED BY THE PERSON
15 PRODUCING THE FRUITS OR VEGETABLES, OR BOTH.

16 (ii) ACTIVITIES AT THE ESTABLISHMENT ARE LIMITED TO STORING,
17 GRADING, SORTING, PACKING, WASHING, TRIMMING, AND REFRIGERATING.

18 (iii) THE FRUITS OR VEGETABLES, OR BOTH, ARE PRIMARILY FROM
19 THE PERSON'S OWN PRODUCTION, AND THE BALANCE ARE PRODUCTS OF THE
20 SAME GENUS OR GENERA FROM OTHER AGRICULTURAL PRODUCERS.

21 (iv) THE FOOD IS NOT "POTENTIALLY HAZARDOUS FOOD
22 (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD)" AS DEFINED IN THE
23 FOOD CODE.

24 (2) Notwithstanding subsection (1)(a), a person operating as
25 or conducting activities the director considers to be a food
26 establishment must be licensed in the appropriate category under
27 this act.

(3) If food is prepared in a food service establishment licensed under this chapter and the food is transported from the food service establishment to a fixed temporary serving location, the serving location is not required to be separately licensed and is considered an extension of the food service establishment if no food preparation is conducted at the serving location and the food is transported and served by employees of the food service establishment.

(4) IF PREPACKAGED FOOD IS TRANSPORTED FROM A FOOD ESTABLISHMENT LICENSED UNDER THIS CHAPTER, TO A SALES LOCATION AT A FARMERS' MARKET, FAIR, OR FESTIVAL, THE SALES LOCATION IS NOT REQUIRED TO BE SEPARATELY LICENSED AND IS CONSIDERED AN EXTENSION OF THE FOOD ESTABLISHMENT, IF THE FOOD IS TRANSPORTED AND SOLD BY EMPLOYEES OF THE FOOD ESTABLISHMENT.

Sec. 4111. (1) The department shall impose the following license fees for each year or portion of a year:

(a) Retail food establishment: \$67.00.

(b) Extended retail food establishment: \$172.00.

(c) ~~Wholesale food~~ **FOOD** processor: \$172.00.

(d) Limited ~~wholesale~~ food processor: \$67.00.

(e) Mobile food establishment: \$172.00.

(f) Temporary food establishment: \$25.00.

(g) Special transitory food unit: \$135.00.

(h) Mobile food establishment commissary: \$172.00.

(i) Food warehouse: \$67.00.

(j) Food service establishment: the amounts described in subsection (2).

1 (2) If a local health department no longer conducts a food
2 service ~~sanitation~~ program, the department, in consultation with
3 the commission of agriculture **AND RURAL DEVELOPMENT**, shall set
4 the food sanitation fees to be imposed for the department's
5 services performed under subsection (1)(j). The fees imposed
6 shall equal, as nearly as possible, 1/2 of the department's cost
7 of providing the service. ~~The conduct of the services resulting~~
8 ~~from a cessation of a food service sanitation program is~~
9 ~~considered an imminent or substantial hazard that allows the~~
10 department ~~to~~ **MAY** impose the service fees for up to 12 months
11 after the date of cessation by the local health department. After
12 the 12-month period, the department shall collect the fees only
13 in the amount provided by amendment of this act or as authorized
14 pursuant to **AN** appropriation.

15 (3) Any license fee paid on an initial application is
16 nonrefundable.

17 (4) The department may charge a convenience fee and collect
18 from the applicant any additional costs associated with the
19 method of fee payment for the license or permit fees described in
20 this chapter, not to exceed the costs to the department.

21 **SEC. 4114. (1) A PERSON SHALL NOT ACT AS A SHELLFISH DEALER**
22 **UNLESS THE PERSON HAS BEEN CERTIFIED AS A SHELLFISH DEALER BY THE**
23 **DEPARTMENT. AN APPLICATION FOR CERTIFICATION SHALL BE SUBMITTED**
24 **TO THE DEPARTMENT ON THE FORMS APPROVED BY THE DEPARTMENT AND**
25 **SHALL CONTAIN THE REASONABLE INFORMATION REQUIRED BY THE**
26 **DEPARTMENT TO PROCESS THE APPLICATION. THE APPLICANT SHALL DO ALL**
27 **OF THE FOLLOWING:**

1 (A) BE THE OWNER OF THE SHELLFISH DEALER OR AN OFFICER OF
2 THE LEGAL ENTITY OWNING THE SHELLFISH DEALER.

3 (B) COMPLY WITH THE REQUIREMENTS OF THIS ACT AND RULES.

4 (C) ALLOW THE DIRECTOR ACCESS TO THE PROPOSED SHELLFISH
5 DEALER AND RECORDS AS REQUIRED TO DETERMINE COMPLIANCE WITH THE
6 APPLICABLE REQUIREMENTS OF THIS ACT AND RULES.

7 (2) CERTIFICATION IS VALID FROM MAY 1 TO APRIL 30 OF EACH
8 YEAR.

9 (3) EACH FIRM SHALL HAVE AND IMPLEMENT A HACCP PLAN AND HAVE
10 A PROGRAM OF SANITATION MONITORING AND RECORD KEEPING IN
11 COMPLIANCE WITH THE GUIDE FOR THE CONTROL OF MOLLUSCAN SHELLFISH.

12 Sec. 4117. (1) Except as provided in subsections (2) and
13 (3), money collected under this chapter by the department shall
14 be credited to the dairy and food safety fund that is created as
15 a restricted fund within the state treasury. The state treasurer
16 may receive money or other assets, from appropriations or from
17 any other source, for deposit into the fund. The state treasurer
18 shall direct the investment of the fund. The money in the fund
19 shall not lapse to the general fund at the end of the fiscal year
20 and shall carry over to the following fiscal years. The state
21 treasurer shall credit to the fund interest and earnings from
22 fund investments. The department shall administer the fund and
23 shall expend money from the fund for the purpose of administering
24 this act and enforcing the provisions of this act, the grade A
25 milk law of 2001, 2001 PA 266, MCL 288.471 to 288.540, and the
26 manufacturing milk law of 2001, 2001 PA 267, MCL 288.561 to
27 288.740. The department shall be the administrator of the fund

1 for auditing purposes.

2 (2) A consumer food safety education fund is created as a
3 revolving fund in the department of treasury. The consumer food
4 safety education fund shall be administered by the department and
5 funded by adding \$3.00 to the fee for each food establishment
6 license in all categories except vending machines and in cases of
7 fee-exempt food establishments. The money in the fund shall be
8 used to provide statewide training and education to consumers on
9 food safety. ~~An advisory committee consisting of at least 9~~
10 ~~people representing consumers, industry, government, and academia~~
11 ~~shall advise the department on the use of the funds.~~ Money
12 remaining in the fund at the end of the fiscal year shall be
13 carried forward into the next fiscal year.

14 (3) An industry food-safety education fund is created as a
15 revolving fund in the department of treasury. The industry food-
16 safety education fund shall be administered by the department and
17 funded by adding \$2.00 to the fee for each food service
18 establishment license in all categories except vending machines
19 and in cases of fee-exempt food establishments. The money in the
20 fund shall be used to provide food safety training and education
21 to food service establishment employees and agents of the
22 director who enforce this act. ~~The advisory committee created in~~
23 ~~subsection (2) shall advise the department on the use of the~~
24 ~~funds.~~ Money remaining in the fund at the end of the fiscal year
25 shall be carried forward into the next fiscal year.

26 (4) As used in this section, "fee-exempt food establishment"
27 means a food establishment exempt from all state and local food

1 establishment license fees under section 3119(4) combined with an
2 exemption from the local health department sanitation service fee
3 under section 2444 of the public health code, MCL 333.2444.

4 Sec. 4123. (1) A food establishment license is not
5 transferable as to the holder or the location.

6 (2) **A SHELLFISH DEALER CERTIFICATE IS NOT TRANSFERABLE AS TO**
7 **THE HOLDER OR TO THE LOCATION.**

8 (3) **A BOTTLED WATER REGISTRATION IS NOT TRANSFERABLE AS TO**
9 **THE HOLDER OR THE LOCATION.**

10 Sec. 4125. (1) Before a food establishment license, **BOTTLED**
11 **WATER REGISTRATION, OR SHELLFISH DEALER CERTIFICATE** is issued,
12 the director shall determine if the applicant meets the minimum
13 requirements of this act and rules. ~~promulgated under this act.~~

14 (2) After an opportunity for a hearing pursuant to the
15 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
16 24.328, the director may revoke or suspend a food establishment
17 license, ~~or a registration for bottled water,~~ **OR A SHELLFISH**
18 **DEALER CERTIFICATE** issued under this act for failure to comply
19 with requirements of this act or a rule. ~~promulgated under this~~
20 ~~act.~~—A person whose **FOOD ESTABLISHMENT LICENSE**, registration for
21 bottled water, **OR SHELLFISH DEALER CERTIFICATE** is revoked or
22 suspended shall discontinue the sale and offering for sale of
23 **FOOD, the bottled water, OR SHELLFISH, RESPECTIVELY,** until he or
24 she complies with this act and the director issues a new
25 registration or removes the suspension.

26 (3) ~~For a person whose~~ **IF A PERSON'S** food establishment
27 license ~~has been~~ **IS** revoked for egregious violations under

1 section 5101(a), (b), (c), or (k), the director may refuse to
2 issue or reissue a license to any establishment in which that
3 person has ownership or management interest for a period of 2
4 years **AFTER THE REVOCATION**.

5 (4) Based upon facts submitted by a person familiar with
6 those facts or upon information and belief alleging that an
7 imminent threat to the public health, safety, or welfare exists,
8 the director may summarily suspend a license, ~~or~~ registration, **OR**
9 **CERTIFICATE** issued under this act. A person whose license, ~~or~~
10 registration, **OR CERTIFICATE** has been summarily suspended under
11 this section may petition the director to dissolve the order.
12 Upon receipt of such a petition, the director shall immediately
13 schedule a hearing to decide whether to grant or deny the
14 petition to dissolve. The presiding officer shall grant the
15 requested relief dissolving the summary suspension order unless
16 sufficient evidence is presented that an imminent threat to the
17 public health, safety, or welfare exists requiring emergency
18 action and continuation of the director's summary suspension
19 order.

20 Sec. 4127. (1) After the regulatory authority receives a
21 petition for a hearing from a license, **REGISTRATION, OR**
22 **CERTIFICATE** holder whose license, **REGISTRATION, OR CERTIFICATE** is
23 summarily suspended under section 4125, the proceedings shall be
24 promptly commenced and determined as required by section 92 of
25 the administrative procedures act of 1969, 1969 PA 306, MCL
26 24.292.

27 (2) This section does not prevent the regulatory authority's

1 immediate reinstatement of a license, **REGISTRATION, OR**
2 **CERTIFICATE** when the regulatory authority determines the public
3 health hazard or nuisance no longer exists.

4 Sec. 4129. (1) A license, ~~or~~ registration, **OR CERTIFICATE**
5 applicant ~~or holder~~ may request a hearing regarding the
6 regulatory authority's denial of a **NEW OR RENEWAL** license, ~~or~~
7 registration, **OR CERTIFICATE**. A person desiring a hearing in
8 response to a denial of a license, ~~or~~ registration, **OR**
9 **CERTIFICATE** shall submit a hearing request to the regulatory
10 authority within 30 calendar days after the date of the denial.

11 (2) The regulatory authority shall afford a hearing within
12 30 days after receiving a written request for a hearing as
13 specified in this section when the request demonstrates that
14 there is a genuine and material issue of fact that justifies that
15 a hearing be held.

16 (3) Hearings shall be conducted in an expeditious and
17 impartial manner.

18 Sec. 5101. (1) A person shall not do or cause to be done any
19 of the following:

20 (a) Manufacture, sell, deliver, hold, or offer for sale
21 adulterated or misbranded food.

22 (b) Adulterate or misbrand food.

23 (c) Receive in commerce food that is adulterated or
24 misbranded and deliver or proffer the delivery of that food for
25 pay or otherwise.

26 (d) Sell, deliver for sale, hold for sale, or offer for sale
27 food unless that person holds a license issued under chapter IV.

1 (e) Disseminate a false advertisement **CONCERNING FOOD OR A**
2 **FOOD ESTABLISHMENT.**

3 (f) Refuse to permit entry or evaluation, or to permit the
4 taking of a sample, as authorized by section 2111.

5 (g) Give a false guaranty or undertaking **CONCERNING FOOD,**
6 ~~except by a person who relied~~ **UNLESS IN GOOD-FAITH RELIANCE** on a
7 guaranty or undertaking to the same effect signed by and
8 containing the name and address of the person from whom ~~he or she~~
9 ~~received the food in good faith.~~ **WAS RECEIVED.**

10 (h) Remove or dispose of seized or embargoed food in
11 violation of section 2105.

12 (i) Alter, mutilate, destroy, obliterate, or remove all or
13 part of the label or do any other act with respect to a food
14 while the food is held for sale resulting in the food being
15 adulterated or misbranded.

16 (j) Forge, counterfeit, simulate, or falsely represent, or
17 without proper authority use any mark, stamp, tag, label, or
18 other identification device authorized or required by this act or
19 rules. ~~promulgated under this act.~~

20 (k) Permit filthy or insanitary conditions to exist in a
21 food establishment in which food intended for human consumption
22 is manufactured, received, kept, stored, served, sold, or offered
23 for sale.

24 (l) Falsely identify a country, state, or other place of
25 origin of food on a label, tag, or other document with intent to
26 deceive or defraud.

27 (m) Fail to establish or maintain any record or make any

1 report required under this act or the federal act, or refuse to
2 permit access to or verification or copying of any such required
3 record.

4 (n) Interfere with the director in the conduct of his or her
5 responsibilities under this act.

6 (o) Make a false statement, representation, or certification
7 in any application, report, plan, or other document that is
8 required to be maintained under this act or rules. ~~promulgated~~
9 ~~under this act.~~

10 (p) Remove a tag, seal, or mark placed by the director.

11 (q) Operate without a license, registration, permit, or
12 endorsement.

13 (r) Violate a provision of this act or a rule. ~~promulgated~~
14 ~~under this act.~~

15 (S) OPERATE AS AN INTERSTATE SHELLFISH DEALER WITHOUT A
16 SHELLFISH DEALER CERTIFICATE.

17 (T) IF THE PERSON IS A FOOD ESTABLISHMENT, PERMIT MICHIGAN
18 BRIDGE CARD ACCESS TO FOOD ASSISTANCE PROGRAM BENEFITS UNLESS THE
19 FOOD ESTABLISHMENT'S INVENTORY RECORDS MATCH REDEMPTION FILES FOR
20 MICHIGAN BRIDGE CARD USAGE FOR FOOD ASSISTANCE PROGRAM BENEFITS
21 AND 1 OR MORE OF THE FOLLOWING APPLY:

22 (i) THE FOOD FOR SALE INCLUDES, ON A CONTINUOUS BASIS, AT
23 LEAST 3 VARIETIES OF FOODS IN EACH OF THE FOLLOWING 4 STAPLE FOOD
24 GROUPS AND PERISHABLE FOODS IN AT LEAST 2 OF THE GROUPS:

25 (A) MEAT, POULTRY, OR FISH.

26 (B) BREAD OR CEREAL.

27 (C) VEGETABLES OR FRUITS.

(D) DAIRY PRODUCTS.

(ii) AT LEAST 50% OF THE TOTAL DOLLAR AMOUNT OF ALL RETAIL SALES, INCLUDING FOOD AND NONFOOD ITEMS, FUEL, AND SERVICES AT THE FOOD ESTABLISHMENT IS FROM THE SALE OF FOOD IN ANY OF THE 4 STAPLE FOOD GROUPS.

(2) Each day a violation of this section occurs is a separate violation of this section.

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

(a) Where provisions of this act and rules ~~promulgated under this act~~ specify different requirements.

(b) Section ~~3-501.16(A)(2) is modified so that "subparagraph 3-501.16(A)(2)(b)" is stricken.~~ **3-401.14 IS MODIFIED TO READ AS FOLLOWS:**

"3-401.14 NON-CONTINUOUS COOKING OF RAW ANIMAL FOODS.
RAW ANIMAL FOODS THAT ARE COOKED USING A NON-CONTINUOUS COOKING PROCESS SHALL BE:

(A) SUBJECT TO AN INITIAL HEATING PROCESS THAT IS NO LONGER THAN 60 MINUTES IN DURATION;

(B) IMMEDIATELY AFTER INITIAL HEATING, COOLED ACCORDING TO THE TIME AND TEMPERATURE PARAMETERS SPECIFIED FOR COOKED POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) UNDER PARAGRAPH 3-501.14(A);

(C) AFTER COOLING, HELD FROZEN OR COLD, AS SPECIFIED FOR POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) UNDER PARAGRAPH 3-501.16(A)(2);

1 (D) PRIOR TO SALE OR SERVICE, COOKED USING A PROCESS THAT
2 HEATS ALL PARTS OF THE FOOD TO A TIME/TEMPERATURE SPECIFIED IN
3 PARAGRAPH 3-401.11A;

4 (E) COOLED ACCORDING TO THE TIME AND TEMPERATURE PARAMETERS
5 SPECIFIED FOR COOKED POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE
6 CONTROL FOR SAFETY FOOD) UNDER PARAGRAPH 3-501.14(A) IF NOT
7 EITHER HOT HELD AS SPECIFIED UNDER PARAGRAPH 3-501.16(A), SERVED
8 IMMEDIATELY, OR HELD USING TIME AS A PUBLIC HEALTH CONTROL AS
9 SPECIFIED UNDER SECTION 3-501.19 AFTER COMPLETE COOKING; AND

10 (F) STORED AS FOLLOWS:

11 (1) AFTER INITIAL HEATING BUT PRIOR TO COOKING AS SPECIFIED
12 UNDER PARAGRAPH (D) OF THIS SECTION, SEPARATE FROM READY-TO-EAT
13 FOODS AS SPECIFIED UNDER PARAGRAPH 3-302.11; AND

14 (2) AFTER INITIAL HEATING, BUT PRIOR TO COMPLETE COOKING,
15 MARKED OR OTHERWISE IDENTIFIED AS FOODS THAT MUST BE COOKED AS
16 SPECIFIED UNDER PARAGRAPH (D) OF THIS SECTION PRIOR TO BEING
17 OFFERED FOR SALE OR SERVICE. THE FOOD MAY BE IDENTIFIED IN ANY
18 EFFECTIVE MANNER PROVIDED THAT THE MARKING SYSTEM IS DISCLOSED TO
19 THE REGULATORY AUTHORITY UPON REQUEST."

20 (2) The director, by ~~promulgation of a rule~~, may adopt any
21 changes or updates to the food code.

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

24 Sec. 6107. (1) ~~Upon receipt of plans and specifications, the~~
25 **THE** director shall review ~~the~~ plans and specifications **RECEIVED**
26 **UNDER SECTION 6105** as soon as practicable **AFTER RECEIPT** to
27 determine their completeness and adequacy. If a submission of

1 complete plans and specifications is not reviewed within 30
2 business days of receipt, the plans and specifications ~~will~~ **SHALL**
3 be considered **TO HAVE BEEN DETERMINED TO BE** complete and
4 adequate. Thereafter, construction may proceed without the
5 director's authorization. Approval of the plans and
6 specifications by operation of law does not relieve the license
7 applicant or license holder from compliance with other provisions
8 of this act.

9 (2) If the director determines that plans and specifications
10 are incomplete or inadequate, or both, he or she shall notify the
11 license applicant or license holder in writing and shall request
12 the submission of revised plans and specifications with
13 appropriate corrections or additions. The director shall not
14 approve the plans and specifications until he or she determines
15 that the plans and specifications are complete and adequate and
16 that the food establishment is designed in accordance with the
17 food code and this act.

18 (3) Upon a determination ~~by the director~~ that the plans and
19 specifications are complete and adequate, the director shall mark
20 the plans and specifications showing approval and the date of
21 approval, shall notify the license applicant or license holder in
22 writing of the approval, and shall authorize construction,
23 conversion, alteration, or remodeling of the food establishment.

24 (4) Approval of plans and specifications by the director and
25 authorization for construction pursuant to the food code, this
26 act, and rules ~~promulgated under this act~~ expire if construction,
27 conversion, alteration, or remodeling has not commenced within 1

1 year from the date of approval or has been interrupted for 1 year or more since the date of approval. A license applicant or license holder may apply in writing to the director for an extension of the approval and construction authorization before the approval expires. The request for extension shall identify the project for which the approval and construction authorization were originally granted and the reason for requesting the extension. The director may require modification of the plans and specifications to incorporate updated food ~~sanitation~~ **SAFETY** practices or requirements, where applicable, unless the license applicant or license holder has entered into binding agreements or contractual obligations which cannot be canceled or modified without substantial loss to the license applicant or license holder as determined by the director.

(5) The approved plans and specifications shall be ~~located~~ **KEPT** on-site during construction and shall be available for inspection by the director.

Sec. 6135. (1) The name and address of the business operating a mobile food establishment shall be affixed to each side of the exterior of the vehicle in letters not less than 3 inches high and 3/8 of an inch wide and shall be in contrast to the vehicle background color. When more than 1 mobile food service establishment is operated by the same person, the director shall assign a number to each establishment.

(2) A copy of limitations attached to the license of a mobile food service establishment shall be carried on the mobile food service establishment at all times.

1 (3) If a mobile food establishment is operating on a
2 regularly scheduled route, the ~~local health department having~~
3 ~~jurisdiction~~ **DIRECTOR** may require the license holder to provide a
4 copy of the route schedule ~~at the time~~ **WHEN** the license is
5 approved and every time the route schedule is changed.

6 (4) ~~A representative of the local health department~~ **THE**
7 **DIRECTOR** or the operator in the presence of the representative of
8 the ~~local health department~~ **DIRECTOR** shall affix 2 decals
9 provided by the department on the mobile food establishment at
10 the time the license is issued. The decals shall be conspicuously
11 displayed on each side of the mobile food establishment so as to
12 be visible when in transit and while serving the public.

13 Sec. 7101. Subject to section 1119(2), a food ~~processing~~
14 ~~plant~~ **PROCESSOR AND A FOOD WAREHOUSE** shall comply with ~~the~~
15 ~~regulations of the food and drug administration in 21 C.F.R. CFR~~
16 part 110, except that refrigerated potentially hazardous food
17 shall be stored at 4.4 degrees centigrade (40 degrees Fahrenheit)
18 or below.

19 **SEC. 7104. (1) SECTION 1@.02 OF CHAPTER I AND CHAPTERS II,**
20 **VII, IX TO XIV, AND XVI OF THE GUIDE FOR CONTROL OF MOLLUSCAN**
21 **SHELLFISH ARE INCORPORATED BY REFERENCE EXCEPT TO THE EXTENT**
22 **PROVISIONS OF THIS ACT AND RULES SPECIFY DIFFERENT REQUIREMENTS.**

23 **(2) THE DIRECTOR BY RULE MAY ADOPT ANY CHANGES OR UPDATES TO**
24 **THE GUIDE FOR CONTROL OF MOLLUSCAN SHELLFISH.**

25 **(3) THE ANNEXES OF THE GUIDE FOR THE CONTROL OF MOLLUSCAN**
26 **SHELLFISH ARE CONSIDERED PERSUASIVE AUTHORITY FOR INTERPRETATION**
27 **OF THE GUIDE FOR THE CONTROL OF MOLLUSCAN SHELLFISH.**

1 SEC. 7112. (1) AS SET FORTH ON THE EFFECTIVE DATE OF THE
2 AMENDATORY ACT THAT ADDED THIS SECTION, 21 CFR PARTS 1, 70, 73,
3 74, 81, 82, AND 100 TO 199 ARE ADOPTED BY REFERENCE, EXCEPT WHERE
4 PROVISIONS OF THIS ACT AND RULES PROMULGATED UNDER THIS ACT
5 SPECIFY DIFFERENT REQUIREMENTS.

6 (2) THE DIRECTOR, BY PROMULGATION OF A RULE, MAY ADOPT ANY
7 CHANGES OR UPDATES TO 21 CFR PARTS 1, 70, 73, 74, 81, 82, AND 100
8 TO 199.

9 Sec. 7113. As used in this chapter:

10 (a) "Added fat" means the addition of fat tissue originating
11 from portions consisting of less than 12% muscle tissue in each
12 portion.

13 (b) "Added water" means greater moisture content than
14 normally found in meat and, except for poultry, is determined by
15 total moisture minus 4 times the percentage of protein. Added
16 water may be in the form of water or ice.

17 (c) "Artificial coloring" means coloring containing any dye
18 or pigment which was manufactured by a process of synthesis or
19 other similar artifice or by extraction of a natural dye or
20 pigment from a plant or other material from which the dye or
21 pigment was formed.

22 (d) "Artificial flavoring" means any flavoring containing
23 any sapid or aromatic constituent manufactured by synthesis or
24 similar process.

25 (e) "Binders" means food and nonfood substances used as an
26 ingredient in comminuted meats for binding, stabilizing,
27 thickening, or maintaining viscosity of the product.

(f) "By-products or variety meats" means hearts, livers, brains, tongues, tripe, stomach, lungs, melts, eyes, weasand meats, head meat, cheek meat, salivary glands, udder, lips, ears, snouts, skin, feet, spleens, slaughterhouse by-products, spinal cords, cracklings or crackling meal, packinghouse by-products, ~~processing plant~~ **FOOD PROCESSOR** by-products, partially defatted fatty tissues, and partially defatted chopped meat.

(G) "CANDLING" MEANS THE EXAMINATION, IN A PARTIALLY DARKENED ROOM OR PLACE, OF THE INTERIOR OF AN EGG BY TWIRLING THE EGG BEFORE A BRIGHT LIGHT PASSING THROUGH AN APERTURE IN AN OPAQUE SHIELD OR BY ANOTHER APPROVED METHOD.

(H) ~~(g)~~—"Comminuted" means chopped, diced, flaked, ground, or otherwise reduced to minute particles.

(I) ~~(h)~~—"Extenders" means food substances used as an ingredient in comminuted meats primarily for replacement of meat ingredients.

(J) ~~(i)~~—"Fat" means the quantity of adipose tissue determined by chemical analysis.

(K) ~~(j)~~—"Fresh meat" means meat that has undergone no cooking, heating, or other processing except boning, cutting, comminuting, or freezing.

(L) ~~(k)~~—"Lamb" means meat derived from sheep less than 1 year of age.

(M) ~~(l)~~—"Meat" means the edible part of clean, sound striated muscle of cattle, swine, sheep, deer and other cervids, goat, turkey, duck, ratite, or chicken slaughtered in compliance with all applicable laws, with or without the accompanying and

1 overlying fat, and sinew, nerve, gland, and blood vessels which
2 normally accompany the muscle tissues and which are not separated
3 from it in the process of dressing. Meat does not include
4 specified risk materials.

5 (N) "PRODUCER" MEANS A PERSON DIRECTLY RESPONSIBLE FOR THE
6 PRODUCTION OF EGGS.

7 (O) "SHELLFISH" MEANS ALL SPECIES OF ANY OF THE FOLLOWING:

8 (i) OYSTER, CLAMS, OR MUSSELS WHETHER SHUCKED OR IN THE
9 SHELL, RAW, INCLUDING POSTHARVEST PROCESSED, FROZEN OR UNFROZEN,
10 OR WHOLE OR IN PARTS.

11 (ii) SCALLOPS IN ANY FORM, EXCEPT WHEN THE FINAL PRODUCT FORM
12 IS THE ADDUCTOR MUSCLE ONLY.

13 (P) ~~(m)~~—"Skeletal meat" means the meat that is attached to a
14 part of the skeleton, including head and cheek meat.

15 (Q) ~~(n)~~—"Specified risk materials" means items, associated
16 with the nervous system of beef cattle, that are prohibited from
17 human food as defined in 9 CFR 310.22.

18 (R) ~~(o)~~—"Veal" means meat derived from a calf not more than
19 1 year of age.

20 SEC. 7114. (1) U.S. STANDARDS FOR SHELL EGGS ARE
21 INCORPORATED BY REFERENCE.

22 (2) EGGS DESCRIBED BY UNITED STATES DEPARTMENT OF
23 AGRICULTURE AS BLACK ROTS, WHITE ROTS, MIXED ROTS (ADDLED EGGS),
24 SOUR EGGS, EGGS WITH GREEN WHITES, STUCK YOLKS, BLOOD RINGS OR
25 EMBRYOS BEYOND BLOOD RING STAGE, MOLDY EGGS, MUSTY EGGS, BLOODY
26 WHITES, CRUSTED YOLKS, EGGS WITH ABNORMAL ODORS, AND ANY EGGS
27 WHICH CONTAIN WHOLLY OR IN PART A TAINTED, DISEASE, FILTHY,

1 DECOMPOSED, OR PUTRID SUBSTANCE ARE EGGS UNFIT FOR HUMAN FOOD.

2 (3) NO PERSON SHALL SELL, OFFER, OR EXPOSE FOR SALE TO THE
3 CONSUMER OR TO THE RETAIL TRADE, OR HAVE IN HIS OR HER POSSESSION
4 WITH INTENT TO SELL TO THE CONSUMER, OR TO THE RETAIL TRADE, ANY
5 EGG UNFIT FOR HUMAN FOOD. SUCH AN EGG SHALL BE BROKEN OUT OF THE
6 SHELL AND DENATURED OR DESTROYED BY METHODS APPROVED BY THE
7 DIRECTOR SO THAT IT CANNOT BE USED FOR HUMAN FOOD.

8 (4) THE FINAL DETERMINATION OF ALL GRADE AND QUALITY FACTORS
9 OF AN OFFICIAL SAMPLE OF SHELL EGGS FROM DOMESTICATED CHICKENS
10 SHALL BE MADE BY VISUAL EXAMINATION OF THE EGG TO DETERMINE
11 CLEANLINESS, SOUNDNESS OF SHELL, AND EXTERIOR QUALITY, AND BY
12 CANDLING OR BREAKING TO DETERMINE INTERIOR QUALITY. THE
13 EXAMINATION SHALL BE MADE BY A COMPETENT REPRESENTATIVE
14 AUTHORIZED BY THE DIRECTOR. THE REPRESENTATIVE SHALL CERTIFY THE
15 RESULTS OF THE EXAMINATION AND HIS OR HER CERTIFICATE SHALL BE
16 PRIMA FACIE EVIDENCE OF THE FACTS THEREIN CERTIFIED TO IN ANY
17 COURT WHERE THE CERTIFICATE IS OFFERED IN EVIDENCE.

18 (5) ALL EGGS FROM DOMESTICATED CHICKENS SOLD, OFFERED, OR
19 EXPOSED FOR SALE, OR ADVERTISED FOR SALE BY A RETAILER OR
20 WHOLESALE SHALL BE MARKED AS FOLLOWS TO CONFORM TO THE FOLLOWING
21 APPLICABLE SIZE REQUIREMENT:

22 (A) "JUMBO", IF THE EGGS WEIGH AT THE RATE OF NOT LESS THAN
23 30 OUNCES PER DOZEN, WITH NO EGGS BELOW THE RATE OF 29 OUNCES PER
24 DOZEN.

25 (B) "EXTRA LARGE", IF THE EGGS WEIGH AT THE RATE OF NOT LESS
26 THAN 27 OUNCES PER DOZEN, WITH NO EGGS BELOW THE RATE OF 26
27 OUNCES PER DOZEN.

1 (C) "LARGE", IF THE EGGS WEIGH AT THE RATE OF NOT LESS THAN
2 24 OUNCES PER DOZEN, WITH NO EGGS BELOW THE RATE OF 23 OUNCES PER
3 DOZEN.

4 (D) "MEDIUM", IF THE EGGS WEIGH AT THE RATE OF NOT LESS THAN
5 21 OUNCES PER DOZEN, WITH NO EGGS BELOW THE RATE OF 20 OUNCES PER
6 DOZEN.

7 (E) "SMALL", IF THE EGGS WEIGH AT THE RATE OF NOT LESS THAN
8 18 OUNCES PER DOZEN, WITH NO EGGS BELOW THE RATE OF 17 OUNCES PER
9 DOZEN.

10 (F) "PEEWEE", IF THE EGGS WEIGH AT THE RATE OF NOT LESS THAN
11 15 OUNCES PER DOZEN.

12 (6) ALL ADVERTISING OF EGGS SHALL INCLUDE THE CORRECT
13 UNABBREVIATED SIZE DESIGNATION IN DESCRIBING EGGS. THE CORRECT
14 UNABBREVIATED SIZE DESIGNATION SHALL ALSO APPEAR ON THE EXTERIOR
15 OF ANY CONTAINER, OPEN OR CLOSED, IN WHICH EGGS ARE OFFERED FOR
16 SALE TO THE RETAILER OR THE CONSUMER.

17 (7) NO PERSON BY HIMSELF OR HERSELF OR HIS OR HER AGENTS OR
18 SERVANTS SHALL SELL, OFFER, OR EXPOSE FOR SALE, ADVERTISE, OR IN
19 ANY MANNER REPRESENT FOR SALE AS STRICTLY FRESH, HENNERY, NEW
20 LAID, BEST, GRADE A, NUMBER 1, FANCY, SPECIAL, EXTRA, SELECTED,
21 DIRECT FROM THE FARM, OR UNDER ANY WORD, FIGURES, SYMBOLS, OR
22 DESCRIPTION OF SIMILAR IMPORT, ANY EGGS WHICH ARE NOT FRESH. AN
23 EGG SHALL NOT BE CONSIDERED FRESH UNLESS IT MEETS THE STANDARDS
24 OF QUALITY SPECIFIED FOR THE U.S. AA OR A QUALITY, OR THE
25 EQUIVALENT, AS DESIGNATED IN U.S. STANDARDS FOR SHELL EGGS FOR
26 INDIVIDUAL EGGS OR IN STANDARDS PRESCRIBED BY THE DIRECTOR BY
27 RULE.

(8) ALL EGGS FROM DOMESTICATED CHICKENS SOLD, OFFERED OR EXPOSED FOR SALE, OR ADVERTISED FOR SALE BY A RETAILER OR WHOLESALE SHALL BE LABELED OR MARKED TO CONFORM TO ONE OF THE FOLLOWING GRADE REQUIREMENTS:

(A) EGGS THAT FULLY MEET THE SPECIFICATIONS OF U.S. AA QUALITY OR FRESH FANCY QUALITY, OR THE EQUIVALENT THEREOF, AS DESCRIBED IN U.S. STANDARDS FOR SHELL EGGS, SHALL BE LABELED AND ADVERTISED AS GRADE AA OR FRESH FANCY EGGS, MICHIGAN SEAL OF QUALITY EGGS, GRADE A OR GRADE B EGGS.

(B) EGGS THAT FULLY MEET THE SPECIFICATIONS OF THE U.S. A QUALITY, OR THE EQUIVALENT THEREOF, AS DESCRIBED IN U.S. STANDARDS FOR SHELL EGGS, SHALL BE LABELED AND ADVERTISED AS GRADE A OR GRADE B EGGS.

(C) EGGS THAT FULLY MEET THE SPECIFICATIONS OF A U.S. B QUALITY, OR THE EQUIVALENT THEREOF, AS DESCRIBED IN U.S. STANDARDS FOR SHELL EGGS, SHALL BE LABELED AND ADVERTISED AS GRADE B EGGS.

(D) EGGS THAT DO NOT MEET THE GRADE REQUIREMENTS OF SUBDIVISION (A), (B), OR (C) SHALL NOT BE OFFERED FOR SALE OR SOLD IN THE SHELL. THOSE EGGS MAY BE BROKEN OUT OF THE SHELL AT THE GRADING PLANT OR GRADING STATION OR MAY BE OFFERED FOR SALE OR SOLD TO AN EGG BREAKING PLANT.

(9) EGGS SHALL BE HELD AND TRANSPORTED AT OR BELOW 45 DEGREES FAHRENHEIT AMBIENT TEMPERATURE BEGINNING 36 HOURS AFTER TIME OF LAY. IF THE EGGS ARE TO BE PROCESSED AS TABLE EGGS AND ARE NOT PROCESSED FOR THE ULTIMATE CONSUMER WITHIN 36 HOURS FROM THE TIME OF LAY AND, THEREFORE, ARE HELD AND TRANSPORTED AS

1 REQUIRED AT OR BELOW 45 DEGREES FAHRENHEIT AMBIENT TEMPERATURE,
 2 THEN THE EGGS MAY BE HELD AT ROOM TEMPERATURE FOR NO MORE THAN 36
 3 HOURS JUST PRIOR TO PROCESSING TO ALLOW AN EQUILIBRATION STEP TO
 4 TEMPER THE EGGS.

5 Sec. 7133. (1) All products manufactured under terms of this
 6 chapter may be sold in colored artificial casings or container
 7 only if ~~they~~**THE PRODUCTS** are in complete compliance with all
 8 applicable regulations of the United States department of
 9 agriculture. These products shall not be sold in colored natural
 10 casings.

11 (2) In addition to the requirements of section ~~1105(a)~~
 12 **1105(1)(A)**, any product ~~within the purview of this section shall~~
 13 ~~be considered~~**MANUFACTURED UNDER THE TERMS OF THIS CHAPTER IS**
 14 adulterated if it is the product of an animal which has died
 15 otherwise than by slaughter.

16 Sec. 7137. Food ~~may~~**SHALL** not contain unapproved food
 17 additives or additives that exceed amounts specified in 21 CFR
 18 parts 170 to 180 relating to food additives, generally recognized
 19 as safe or prior sanctioned substances that exceed amounts
 20 specified in 21 CFR parts 181 to 186, substances that exceed
 21 amounts established under applicable regulations of the United
 22 States department of agriculture food safety inspection service,
 23 or pesticide residues that exceed provisions specified in 40 CFR
 24 part ~~185-180~~.

25 Sec. 8107. (1) As used in this section:

26 (a) "Date" means **1 OF THE FOLLOWING:**

27 (i) **FOR PERISHABLE FOOD**, the recommended last day of sale.

(ii) FOR NONPERISHABLE FOOD, THE RECOMMENDED LAST DAY OF SALE OR CONSUMPTION, IF ANY.

~~_____ (b) "Perishable food" means any food in package form which the manufacturer, packer, or retailer, in conjunction with the department, determines as having a significant risk of spoilage, loss of value, or loss of palatability within 90 days of the date of packaging.~~

(B) ~~(c)~~ "Prepackaged" means packaged prior to being displayed or offered for sale.

(2) A retail food establishment shall not sell or offer for sale a prepackaged perishable food unless ~~there is clearly and conspicuously stamped upon or attached to the package~~ **BEARS A LABEL WITH** a date identified by month and day, except that bakery products with a shelf life of 7 days or less may be dated with a day of the week or an abbreviation. **A RETAIL FOOD ESTABLISHMENT MAY SELL OR OFFER FOR SALE A PREPACKAGED NONPERISHABLE FOOD WITH OR WITHOUT A LABEL THAT BEARS A DATE.**

(3) The date **FOR PREPACKAGED PERISHABLE FOOD** may be displayed with or without explanatory terms. If explanatory terms are used, ~~such~~ **THE** terms shall be limited to 1 of the following: "Sell by _____", "Sell before _____", "Last date of sale _____", "Recommended last date of sale _____", or "Recommended sale date _____". Other meaningful terms may be used if specifically approved by the department.

(4) ~~Except for~~ **A RETAIL FOOD ESTABLISHMENT SHALL NOT SELL OR OFFER FOR SALE ANY OF THE FOLLOWING FOODS UNDER THE FOLLOWING CIRCUMSTANCES:**

1 **(A) AFTER THE DATE,** meat that has been removed from A
 2 federally inspected retail ~~packages, this section does not~~
 3 ~~prohibit the sale of food after~~ **PACKAGE.**

4 **(B) AFTER** the date, ~~if the product~~ **NONPERISHABLE FOOD OR**
 5 **PREPACKAGED PERISHABLE FOOD UNLESS THE FOOD** is wholesome and
 6 sound and is clearly identified as having passed the date.

7 **(C) NONPERISHABLE FOOD THAT IS NO LONGER WHOLESOME OR SOUND.**

8 (5) The retail or final seller is responsible for the proper
 9 advertisement of ~~perishable~~ food sold after the date.

10 (6) A person who **PREPACKAGES NONPERISHABLE FOOD AND CHOOSES**
 11 **TO LABEL THE FOOD WITH A DATE OR WHO** prepackages perishable food
 12 shall do all of the following:

13 (a) Establish a meaningful date that takes into
 14 consideration the food quality and characteristics of the food,
 15 its packaging, and customary conditions encountered in commercial
 16 channels.

17 (b) ~~Allow~~ **IF THE DATE IS THE RECOMMENDED LAST DAY OF SALE,**
 18 **ALLOW** a reasonable period after the date for consumption of the
 19 food without physical spoilage.

20 (c) Keep a record of the method of determination of the
 21 date.

22 (7) A retailer who purchases prepackaged perishable food
 23 may, upon written agreement with the person prepackaging such
 24 food, determine, identify, and be responsible for the date ~~placed~~
 25 ~~on, or attached to,~~ **THAT** each package of such food **BEARS ON A**
 26 **LABEL.**

27 (8) The date shall not be altered. A person shall not rewrap

1 or repackage a ~~perishable~~ food, in its original form and texture,
2 with a date on the package different from the original.

3 (9) ~~The~~ **IF THE DATE IS THE RECOMMENDED LAST DAY OF SALE, THE**
4 date shall be calculated to allow a reasonable period for the
5 subsequent consumption of the food, but shall not allow for a
6 period which would result in a health nuisance as described in
7 section 2107.

8 (10) This section does not apply to fresh fruits and
9 vegetables, ~~canned food~~, and frozen food and does not apply to
10 milk and milk products dated in accordance with the grade A milk
11 law of 2001, 2001 PA 266, MCL 288.471 to 288.540.

12 (11) The requirements of this section do not apply to any of
13 the following:

14 (a) An individually packaged food item that is a component
15 of a larger food item if the larger food item is identified with
16 a date the same as or earlier than the date of that component.

17 (b) Perishable foods packaged under, and in compliance with,
18 federal laws and regulations, if providing information equal to
19 or greater than the information required by this section.

20 (c) Smoked fish under the smoked fish rules.

21 Enacting section 1. All of the following are repealed:

22 (a) Section 2103 of the food law of 2000, 2000 PA 92, MCL
23 289.2103.

24 (b) 1963 PA 244, MCL 289.321 to 289.336.