

# SENATE BILL NO. 353

April 13, 2021, Introduced by Senators VANDERWALL, VICTORY, DALEY, BUMSTEAD, HORN, MACDONALD, LASATA, BARRETT, MCBROOM, OUTMAN, RUNESTAD and THEIS and referred to the Committee on Regulatory Reform.

A bill to amend 2000 PA 92, entitled  
"Food law,"

by amending sections 3119, 4111, and 4115 (MCL 289.3119, 289.4111, and 289.4115), section 3119 as amended by 2018 PA 92 and section 4111 as amended by 2016 PA 188.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 3119. (1) Until December 31, 2023, and except as  
2 otherwise provided for in subsection (2) **or (7)**, ~~upon~~**on** submission  
3 of an application, an applicant for a food service establishment

license shall pay to the local health department having jurisdiction the required fees authorized by section 2444 of the public health code, MCL 333.2444, and an additional state license fee as follows:

- (a) Temporary food service establishment..... \$ 4.00.
- (b) Food service establishment..... \$ 25.00.
- (c) Mobile food establishment commissary..... \$ 25.00.
- (d) Special transitory food unit..... \$ 39.00.

(2) When licensing a special transitory food unit, a local health department shall impose a fee of \$150.00, which includes the additional state license fee imposed under subsection (1) unless exempted under subsection (4), ~~or~~ (5), or (7).

(3) ~~The~~ **Except as otherwise provided under subsection (7), a** state license fee required under subsection (1) must be collected by the local health department at the time the license application is submitted. The state license fee is due and payable by the local health department to the state within 60 days after the fee is collected.

(4) A charitable, religious, fraternal, service, civic, or other nonprofit organization that has tax-exempt status under section 501(c)(3) of the internal revenue code **of 1986**, 26 USC 501, is exempt from paying additional state license fees imposed under this section. ~~This~~ **Except as otherwise provided under subsection (7), this** subsection does not restrict the ability of the governing board of a local health department or authority to fix, revoke, or amend fees as further authorized and described under section 2444 of the public health code, MCL 333.2444. An organization seeking an exemption under this subsection shall ~~furnish to~~ **provide** the department or a local health department **with** evidence of its tax-

1 exempt status.

2 (5) A veteran who has a waiver of a license fee under the  
3 circumstances described in 1921 PA 359, MCL 35.441 to 35.443, is  
4 exempt from paying the fees prescribed in this section.

5 (6) The local health department shall forward the license  
6 applications to the department with appropriate recommendations.

7 **(7) The department or a local health department shall not**  
8 **charge or collect any license fee described under this section for**  
9 **a license application submitted at any time during the licensing**  
10 **year that begins May 1, 2021 and ends at midnight on April 30,**  
11 **2022.**

12 Sec. 4111. (1) ~~The~~ **Except as otherwise provided in subsection**  
13 **(5), the** department shall impose the following license fees for  
14 each year or portion of a year:

15 (a) Retail grocery: \$106.00 for 2016, \$145.00 for 2017, and  
16 \$183.00 for any subsequent year.

17 (b) Extended retail food establishment: \$271.00 for 2016,  
18 \$370.00 for 2017, and \$468.00 for any subsequent year.

19 (c) Food processor: \$271.00 for 2016, \$370.00 for 2017, and  
20 \$468.00 for any subsequent year.

21 (d) Limited food processor: \$106.00 for 2016, \$145.00 for  
22 2017, and \$183.00 for any subsequent year.

23 (e) Mobile food establishment: \$183.00 for 2016, \$186.00 for  
24 2017, and \$189.00 for any subsequent year.

25 (f) Temporary food establishment: \$40.00 for 2016, \$55.00 for  
26 2017, and \$70.00 for any subsequent year.

27 (g) Special transitory food unit: \$150.00 for 2016, \$153.00  
28 for 2017, and \$156.00 for any subsequent year.

29 (h) Mobile food establishment commissary: \$183.00 for 2016,

1 \$186.00 for 2017, and \$189.00 for any subsequent year.

2 (i) Food warehouse or vending company base location: \$106.00  
3 for 2016, \$145.00 for 2017, and \$183.00 for any subsequent year. ~~In~~  
4 ~~addition, the~~ **The** operator of the vending company base location  
5 shall pay an additional fee based on the number of vending machine  
6 locations in this state, as follows:

7 (i) 1 to 20 locations, \$500.00.

8 (ii) 21 to 50 locations, \$750.00.

9 (iii) 51 to 75 locations, \$2,000.00.

10 (iv) More than 75 locations, \$3,000.00.

11 If a person operates more than 1 vending company base location  
12 in this state, all vending machine locations served by those  
13 vending company base locations ~~shall~~ **must** be aggregated on 1 of the  
14 vending company base location licenses for the purpose of  
15 determining the amount of the additional fee for vending machine  
16 locations.

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

19 (2) If a local health department no longer conducts a food  
20 service program, the department, in consultation with the  
21 commission of agriculture and rural development, shall set the food  
22 sanitation fees to be imposed for the conduct of the food service  
23 program by the department. The fees imposed must equal, as nearly  
24 as possible, 1/2 of the department's cost of providing the service.  
25 The department may impose the service fees for up to 12 months  
26 after the date of cessation by the local health department. After  
27 the 12-month period, the department shall collect the fees only as  
28 authorized pursuant to an appropriation.

29 (3) Any license fee paid on an initial application is

1 nonrefundable.

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

6 (5) **The department shall not charge or collect a license fee**  
7 **described under this section or a late fee under section 4113 for**  
8 **an initial license or renewal license application submitted at any**  
9 **time during the licensing year that begins May 1, 2021 and ends at**  
10 **midnight on April 30, 2022.**

11 Sec. 4115. (1) A water bottler or water dispensing machine  
12 owner shall register with the department each brand of bottled  
13 water with a unique declaration of identity before the sale or  
14 offering for sale of the water. The application for registration  
15 ~~shall~~**must** be made on a form prescribed by the department and ~~shall~~  
16 include both of the following:

17 (a) The proposed label or placard for the water.

18 (b) ~~For~~**Except as otherwise provided under subsection (4), for**  
19 each year or portion of a year, a registration fee of \$25.00 for  
20 each brand of water with a unique declaration of identity and  
21 \$25.00 for each water dispensing machine.

22 (2) The registration required by subsection (1) expires  
23 annually on April 30 and ~~shall~~**must** be renewed 30 ~~calendar~~ days  
24 before expiration of the current registration.

25 (3) ~~The~~**Except as otherwise provided under subsection (4), the**  
26 department shall assess a late fee of \$25.00 for bottled water or  
27 water from a water dispensing machine that is sold or offered for  
28 sale without registration. A registration is not effective until  
29 the late fee is paid.

1           (4) The department shall not charge or collect from a water  
2     bottler or water dispensing machine owner a registration fee under  
3     or late fee described under this section at any time during the  
4     registration year that begins May 1, 2021 and ends at midnight on  
5     April 30, 2022.

6           Enacting section 1. This amendatory act does not take effect  
7     unless Senate Bill No. 354 of the 101st Legislature is enacted into  
8     law.