

DEFINITION OF FOOD SERVICE ESTABLISHMENTS

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House Bill 4042 as reported from committee

Sponsor: Rep. Tyrone Carter

Committee: Regulatory Reform

Complete to 8-12-25

Analysis available at
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SUMMARY:

House Bill 4042 would amend the Food Law to exclude rental halls that do not have a kitchen or food preparation space and that do not prepare food on the premises from the definition of *food service establishment* that applies under the act.¹ The term currently includes all rental halls, and under the bill it would continue to include rental halls that have a kitchen or food preparation area (i.e., space).

MCL 289.1107

BRIEF DISCUSSION:

According to committee testimony, current law requires venues without kitchens, such as outdoor wedding venues, to have food licenses and pay certain fees. The bill is intended to exclude these venues from these requirements.

FISCAL IMPACT:

Under the Food Law, the Michigan Department of Agriculture and Rural Development (MDARD) has responsibility for a food service establishment regulatory program. There are approximately 35,000 food service establishments in Michigan. Actual regulatory program work is delegated to local public health departments, which perform plan reviews, conduct inspections, process license applications, take enforcement actions, investigate complaints, and conduct foodborne illness outbreak investigations. Local health departments establish fees for the local food service establishment inspection programs. With limited exceptions, the Food Law does not establish the amount of these local fees. However, section 3119 of the Food Law does establish state fees, which are in addition to local public health licensing fees. These state food service establishment licensing fees are collected by the local health department, remitted to MDARD, credited to the state restricted Dairy and Food Safety Fund, and used for MDARD food safety programs, as appropriated.

¹ Several other acts, such as the Michigan Liquor Control Code, the Public Health Code, and the Use Tax Act, refer to *food service establishments* licensed under the Food Law in provisions that variously establish requirements, prohibitions, exemptions, or eligibility criteria (e.g., for other licenses or permits). It is unclear whether excluding these venues from the definition of *food service establishment* in the Food Law could have knock-on effects related to the application of those other laws.

In amending the definition of food service establishments to exclude rental halls that do not have kitchens, House Bill 4042 could affect the work of local public health departments and related fee revenue, although the amount cannot be readily estimated at this time.

Legislative Analyst: Alex Stegbauer
Fiscal Analyst: William E. Hamilton

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