

**STATE OF MICHIGAN
103RD LEGISLATURE
REGULAR SESSION OF 2025**

Introduced by Senator Singh

ENROLLED SENATE BILL No. 93

AN ACT to amend 2000 PA 92, entitled “An act to codify the licensure and regulation of certain persons engaged in processing, manufacturing, production, packing, preparing, repacking, canning, preserving, freezing, fabricating, storing, selling, serving, or offering for sale food or drink for human consumption; to prescribe powers and duties of the department of agriculture and rural development; to provide for delegation of certain powers and duties to certain local units of government; to provide exemptions; to regulate the labeling, manufacture, distribution, and sale of food for protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of foods in violation of this act; to provide standards for food products and food establishments; to provide for immunity to certain persons under certain circumstances; to provide for enforcement of the act; to provide penalties and remedies for violation of the act; to provide for fees; to provide for promulgation of rules; and to repeal acts and parts of acts,” by amending section 4105 (MCL 289.4105), as amended by 2016 PA 188.

The People of the State of Michigan enact:

Sec. 4105. (1) A person, establishment, or organization that is 1 or more of the following is exempt from the licensure requirements under this act:

(a) Subject to subsection (2), an establishment licensed under 1 of the following acts while conducting activities within the scope of that act:

(i) Grain dealers act, 1939 PA 141, MCL 285.61 to 285.89.

(ii) 1959 PA 228, MCL 286.371 to 286.379.

(iii) 1964 PA 158, MCL 290.451 to 290.466.

- (iv) Grade A milk law of 2001, 2001 PA 266, MCL 288.471 to 288.540.
- (v) Manufacturing milk law of 2001, 2001 PA 267, MCL 288.561 to 288.740.
- (b) A person that is offering only whole uncut fresh fruits and vegetables directly to consumers.
- (c) Consumers or nonprofit cooperatives of consumers in compliance with the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, providing products from regulated sources only for their own use.
- (d) Nonprofit cooperatives in compliance with the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, that are growers selling unprocessed products of their own production or producers selling unprocessed products of their own production from regulated sources.
- (e) Retail outlets for the sale of prepackaged honey or maple syrup produced in this state if the outlet is operated by the producer and the processing facility is licensed under this act. Both retail outlets and processing facilities are exempt from licensure under this act for producers with gross sales that do not exceed the gross sale limitation for cottage food products described in section 4102(5) for honey or maple syrup. If both the retail outlet and processing facility are exempt from licensure under this subdivision, the honey and maple syrup must have a label that is substantially similar to the label for cottage food products described in section 4102(3).
- (f) A temporary food establishment with no food preparation using only single-service articles and serving only non-potentially-hazardous food or beverage.
- (g) A retail food establishment that does both of the following:
 - (i) Only sells prepackaged, non-potentially-hazardous foods.
 - (ii) Offers only an incidental amount of food, such as the sale of single-service packages.
- (h) A mobile food establishment, such as an ice cream truck, that offers only prepackaged, single-serving frozen desserts.
- (i) An event not open to the general public held by a nonprofit trade association representing food establishments, suppliers, or manufacturers where limited food preparation takes place for the purpose of advertising, displaying, promoting, and sampling prepared food.
- (j) A commercial fishing guide service that serves lunch to a party of not more than 12 clients on or adjacent to a body of water, river, or stream while pursuing, catching, killing, taking, or attempting to take fish. As used in this subdivision, "commercial fishing guide service" means a service provided for a fee or other valuable consideration, regardless of whether the fee or other valuable consideration is paid directly or indirectly, to assist another person in pursuing, catching, killing, taking, or attempting to take fish.
- (k) A person that owns or operates a device that dispenses only bottled or canned soft drinks; other packaged nonperishable foods or beverages; or bulk gum, nuts, and panned candies.
- (l) Feeding operations set up in response to an emergency or disaster.
- (m) A person that operates as a food warehouse or food processor, if the food warehouse or food processor contains or handles only uncut fruits or vegetables, or both, and meets all of the following criteria:
 - (i) The establishment is owned and operated by the person producing the fruits or vegetables, or both.
 - (ii) Activities at the establishment are limited to storing, grading, sorting, packing, washing, trimming, and refrigerating.
 - (iii) The fruits or vegetables, or both, are primarily from the person's own production, and the balance are products of the same genus or genera from other agricultural producers.
 - (iv) The food is not "potentially hazardous food (time/temperature control for safety food)" as defined in the food code.
- (2) Notwithstanding subsection (1)(a), a person that operates as or conducts activities the director considers to be a food establishment must be licensed in the appropriate category under 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.
- (5) If prepackaged food is transported from a food establishment licensed under this chapter to 1 or more vending machine locations by employees of the food establishment and the vending machine or machines are maintained by employees of the food establishment, the vending machine locations are not required to be separately licensed and are considered to be an extension of the food establishment, which must be separately licensed. However, if the food establishment from which the prepackaged food is transported is located in another state, both of the following apply:
 - (a) One of the vending machine locations in this state must be separately licensed as a food establishment.

(b) The remaining vending machine locations in this state are not required to be separately licensed and are considered to be an extension of the food establishment under subdivision (a).



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor