

MANUFACTURING MILK LAW OF 2001 (EXCERPT)

Act 267 of 2001

ARTICLE 9

288.650 Inspecting, sampling, and investigating conditions; authority of director and department.

Sec. 90. (1) The director, after proper identification, is authorized and shall have the power to enter all dairy farms, dairy plants, single service manufacturing facilities, milk tank truck cleaning facilities, receiving stations, transfer stations, dairy product distribution facilities, vehicles used to transport milk and milk products or single service manufacturers under its jurisdiction, for the purpose of inspecting, sampling, and investigating conditions relating to the enforcement of this act.

(2) The department shall, at a minimum, inspect all dairy farms every 12 months and dairy plants, receiving stations, and transfer stations every 6 months, or at time intervals as specified by the director.

History: 2001, Act 267, Eff. Feb. 8, 2002;—Am. 2008, Act 147, Eff. June 27, 2008.

288.651 Seizure of milk, dairy products, or equipment; findings; condemnation or destruction; removal of tag or transfer to another container prohibited.

Sec. 91. (1) The director may seize or hold for investigation any milk, dairy product, or equipment which the director may have reason to believe constitutes or may be contributing to an imminent or substantial health hazard or is in violation of this act. Seized milk, dairy products, or equipment shall not be disposed of until a release is obtained from the director. The director shall complete his or her action on any such seized item within a reasonable time, and the farm, plant, or station shall be promptly notified of the director's decision. The director may collect and retain evidence to verify the determination of an imminent health hazard.

(2) Whenever the director finds in any dairy farm, dairy plant, receiving station, transfer station, or vehicle any milk or dairy product which contains any unwholesome substance, or that may be poisonous or deleterious to health or otherwise unsafe, such milk or dairy product shall be declared an imminent or substantial health hazard. The director shall condemn or destroy the milk or dairy product or in any other manner render the same unsalable as human food. A person shall not remove a condemnation or seizure tag attached to any container of condemned milk or cream, or transfer condemned milk to another container and sell or offer for sale the condemned milk for human consumption.

History: 2001, Act 267, Eff. Feb. 8, 2002.

288.652 Access to markets for milk and dairy products; certificate of free sale; application; fees; "certificate of free sale" defined.

Sec. 92. (1) To facilitate continued access to markets for milk and dairy products, the department may do 1 or both of the following:

(a) At the request of a processor or based upon records voluntarily supplied by a processor, inspect, audit, or certify a dairy plant where milk or dairy products are processed, pasteurized, or aseptically processed in this state.

(b) Issue certificates of free sale under subsection (3).

(2) A processor shall submit an application for a certificate of free sale on a form and in a manner prescribed by the department.

(3) The department shall grant or deny an application for a certificate of free sale within 10 business days after the department receives a completed application under subsection (2) and the application fee under subsection (4). If the department determines that the application meets the requirements of this act and the rules promulgated under this act, the department shall issue a certificate of free sale. If the department determines that the application does not meet the requirements of this act or the rules promulgated under this act, the department shall deny the application and send a written notice to the processor stating the reasons for the denial.

(4) If a certificate of free sale is issued under subsection (3), the processor shall pay the department the following fees, as applicable:

(a) An application fee, \$60.00.

(b) A duplicate copy of a certificate of free sale, \$10.00.

(5) A fee collected under subsection (4) must be deposited in the dairy and food safety fund created in section 4117 of the food law of 2000, MCL 289.4117.

(6) A certificate of free sale issued under this section is valid for 1 year.

(7) As used in this section, "certificate of free sale" means a document that is issued by the department that verifies that the milk or dairy product listed is processed, pasteurized, or aseptically processed in this state and is legally sold or distributed in this state and on the open market with the approval of the department.

History: Add. 2022, Act 128, Imd. Eff. June 29, 2022.