

**FOOD LAW (EXCERPT)**  
**Act 92 of 2000**

**289.5105 Administrative fines or costs.**

Sec. 5105. (1) Upon finding that a person violated a provision of this act or a rule promulgated under this act, the department may impose an administrative fine of not more than \$500.00 for the first offense and not more than \$1,000.00 for a second or subsequent offense and the actual costs of the investigation of the violation. Each day of a continuing violation is not considered a separate violation of this act or a rule promulgated under this act. The department shall not impose upon any licensee or registrant administrative fines in the aggregate amount of more than \$4,000.00 per location for a firm with annual gross receipts of \$500,000.00 or less and \$8,000.00 per location for a firm with annual gross receipts of over \$500,000.00 during any 12-month period.

(2) Administrative fines and costs collected under this section shall be deposited into the dairy and food safety fund.

(3) This section does not require the department to issue an administrative fine for minor violations of this act if the department believes that the public interest will be adequately served under the circumstances by a suitable written notice or warning.

(4) The department shall not impose administrative fines for violations of the food code other than priority items, priority foundation items, or repeated violations that remain uncorrected beyond the time frame for correction specified under or agreed to, specified, or approved by the director under section 8-405.11(A) or (B) or 8-406.11(A) or (B) of the food code. The department shall not impose an administrative fine for a core item violation of the food code unless the violation is not corrected within 30 calendar days after the evaluation.

**History:** 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2007, Act 114, Eff. Apr. 1, 2008;—Am. 2012, Act 178, Eff. Oct. 1, 2012.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”