

FOOD LAW (EXCERPT)

Act 92 of 2000

CHAPTER II

POWERS AND DUTIES OF THE DEPARTMENT

289.2101 Powers and duties of director.

Sec. 2101. (1) The director shall provide for the administration and enforcement of this act. The director may delegate enforcement and administration of this act to certain local health departments in the manner provided for in chapter III.

(2) The director shall investigate complaints and initiate and conduct other investigations as he or she considers advisable to determine violations of this act.

(3) The director may promulgate rules for the enforcement and implementation of this act.

History: 2000, Act 92, Eff. Nov. 8, 2000.

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."

289.2103 Repealed. 2012, Act 178, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to the retail food advisory board.

289.2105 Seizure or embargo of food without warrant; tag or marking as notice of adulterated or misbranded food; complaint; findings and order of court.

Sec. 2105. (1) When necessary for the enforcement of this act, the director may seize without formal warrant any food found to be sold, held for sale, or exposed for sale in violation of this act or rules promulgated under this act.

(2) If the director finds or has probable cause to believe that any food is adulterated or so misbranded as to be dangerous to public health or fraudulent, within the meaning of this act, he or she shall affix to the food a tag or other appropriate marking giving notice that the food is, or is suspected of being, adulterated or misbranded and has been seized or embargoed. A person shall not remove or dispose of the food tagged or marked as embargoed or seized, by sale or otherwise, until permission for removal or disposal is given by the director or a court of competent jurisdiction.

(3) If food seized or embargoed under subsection (1) or (2) is determined by the director to be adulterated or misbranded, he or she shall cause a petition to be filed in circuit court in whose jurisdiction the food is seized or embargoed for a complaint for condemnation of the food. Seized or embargoed food shall be destroyed at the expense of the claimant of the food, under the supervision of the director, and the court may order the payment of the costs and fees and storage and other proper expenses by the claimant of the food or his or her agents. However, if the court finds that adulteration or misbranding can be corrected by proper labeling or processing of the food, after entry of the order; payment of the costs, fees, and expenses; and execution of a good and sufficient bond conditioned that the food shall be so labeled or processed, the court may direct the food to be delivered to the claimant for labeling or processing under the supervision of the director. The claimant shall pay the expense of the supervision. The food shall be returned to the claimant of the food on the representation to the court by the director that the food is no longer in violation of this act and that the expenses of supervision have been paid. If the director determines that the food so seized or embargoed is not adulterated or misbranded, he or she shall remove the tag or other marking.

History: 2000, Act 92, Eff. Nov. 8, 2000.

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."

289.2107 Adulterated food as nuisance.

Sec. 2107. (1) If the director finds any adulterated food that the director declares to be a nuisance, the director shall immediately condemn, destroy, or in any other manner render the food unsaleable as human food.

(2) If adulterated or misbranded food is a nuisance, is dangerous to the public health, or is fraudulent and requires the director's supervision, or if the food establishment requests the supervision of the director for sorting, destruction, reconditioning, or other disposition, the food establishment that is in possession of the food at the time of the seizure or embargo is liable for the costs of such supervision.

History: 2000, Act 92, Eff. Nov. 8, 2000.

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."

289.2109 Destruction of seized food.

Sec. 2109. If storage of seized food is not possible without risk to the public health, the director shall order immediate destruction of the food to be accomplished without delay by the owner, operator, or person in charge of the food establishment. The food shall be destroyed as specified in the order for destruction.

History: 2000, Act 92, Eff. Nov. 8, 2000.

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."

289.2111 Evaluation of food establishment by director; access; securing samples of food; examination of records; photographs or copies of records as evaluation; confidentiality.

Sec. 2111. (1) The director shall have free access at reasonable hours to any food establishment, including a vehicle used to transport or hold food, for the purpose of evaluating that food establishment or vehicle to determine if this act or rules promulgated under this act are being violated. The director may secure samples of any food, after paying or offering to pay for the samples, to determine if this act or rules promulgated under this act are being violated.

(2) The director may examine the records of the food establishment to obtain pertinent information about food, supplies, and equipment purchased, received, or used by, or persons employed by, the food establishment or location.

(3) The director may take photographs or copy records as part of an evaluation. If a food establishment identifies by written document or mark that a certain area or record contains visible trade secrets, the director shall identify any photographs of that area or copies of that record as being confidential and shall diligently protect the confidentiality.

History: 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2007, Act 113, Eff. Apr. 1, 2008;—Am. 2015, Act 61, Eff. Oct. 1, 2015.

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."

289.2113 Order to cease food operations; resumption; reevaluation; hearing.

Sec. 2113. (1) The director may order immediate cessation of operation of a food establishment upon a determination that continued operation would create an imminent or substantial hazard to the public health.

(2) A food establishment ordered to cease food operations under subsection (1) shall not resume operations until the director determines, upon reevaluation, that the conditions responsible for the order to cease operations no longer exist. The director shall offer an opportunity for reevaluation upon request of the license holder of the establishment.

(3) If the director orders an immediate cessation of operation of a food establishment under subsection (1), the license holder may request an administrative hearing.

History: 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2007, Act 113, Eff. Apr. 1, 2008.

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.”

289.2115 Disease transmission by employee; investigations.

Sec. 2115. If the director has reasonable cause to suspect disease transmission by an employee of a food establishment, he or she may secure a morbidity history of the suspected employee and make other investigations as he or she considers necessary.

History: 2000, Act 92, Eff. Nov. 8, 2000.

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.”

289.2117 Annual report; dissemination of information.

Sec. 2117. The department shall submit to the governor and the legislature an annual report summarizing all judgments, decrees, and court orders, which have been rendered by the department under this act, including the nature of the charge and the disposition thereof. The department may disseminate information regarding food as it considers necessary to protect the health of the consumer and the protection of the consumer against fraud. This section does not prohibit the department from collecting, reporting, and illustrating the results of the investigations of the department.

History: 2000, Act 92, Eff. Nov. 8, 2000.

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.”

289.2119 Rules; evaluation, consultation, and training support to local health departments; review; criteria.

Sec. 2119. (1) Notwithstanding section 12909(1) of the public health code, MCL 333.12909, the department may promulgate rules to prescribe criteria for food service programs by local health departments. The department in promulgating these rules shall seek the advice and counsel of local health departments and the food service industry.

(2) The department shall provide evaluation, consultation, and training support to local health departments delegated authority and responsibility to perform food service program activities under section 3105.

(3) The department shall periodically conduct comprehensive reviews of each local health department's food service program. The reviews shall be based on criteria developed by the department with input from local health departments and may include a review of 1 or more elements of the following:

(a) Compliance with this act by the food service establishments within the local health department jurisdiction.

(b) The competency and training of the food service evaluation personnel.

(c) Compliance with the delegated program activities and established program review criteria, including implementation of risk-based strategies.

History: 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2007, Act 113, 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.”

289.2121 License limitations; notice; hearing.

Sec. 2121. (1) The director may issue a food establishment license with limitations. License limitations may be imposed based upon either of the following determinations:

(a) The site, facility, sewage disposal system, equipment, water supply, or the food supplies, protection, storage, preparation, display, service, or transportation facilities are not adequate to accommodate the proposed or existing menu or otherwise adequate to protect the public health.

(b) Food establishment personnel are not practicing proper food storage, preparation, handling, display, service, or transportation techniques.

(2) The director shall promptly notify a license holder of the imposition of a license limitation. The license holder shall be provided an opportunity for an administrative hearing on the issue of the imposition of the limitation.

History: 2000, Act 92, Eff. Nov. 8, 2000.

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.”

289.2123 License limitations; reevaluation; removal of limitations and reinstatement of license.

Sec. 2123. (1) A person whose license has been limited by the director may, at any time, request a reevaluation of the food establishment for the purpose of removing the limitation and reinstating the full license.

(2) Based upon its reevaluation, if the director determines that the conditions for removal of the license limitation have been met, he or she shall remove the limitation and reinstate the full license.

History: 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2007, Act 113, Eff. Apr. 1, 2008.

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.”

289.2124 Access to markets for food; certificate of free sale; application; fees; "certificate of free sale" defined.

Sec. 2124. (1) To facilitate continued access to markets for food, the department may do 1 or both of the following:

(a) At the request of a food processor or based upon records voluntarily supplied by a food processor, inspect, audit, or certify a food establishment where food is processed or manufactured in this state.

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

(2) A food 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 food processor stating the reasons for the denial.

(4) A food 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.
- (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 food listed is processed or manufactured 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 126, Imd. Eff. June 29, 2022.

289.2125 Fees for certain services.

Sec. 2125. (1) The department shall charge the following fees for the following services:

- (a) A reissuance of a duplicate license, \$15.00.
- (b) An evaluation of a food establishment if the evaluation is a second reevaluation of a food establishment that has already been evaluated and found to have a priority item or priority foundation item violation or if the evaluation is performed at the request of the operator, \$60.00.
- (c) A shellfish dealer's certificate, \$150.00 annually.
- (d) A review and approval of training materials, \$60.00 per hour.
- (e) A special transitory food unit plan review, \$197.00.
- (f) A plan review as specified in section 8-201.11 of the food code, \$197.00.
- (2) Fees collected under this section must be deposited in the dairy and food safety fund created in section 4117 for enforcement of this act.
- (3) The services referred to in subsection (1)(d) and (e) involve the formal review and approval procedure. The department may provide informal review or answer questions without charging a fee.

History: 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2007, Act 113, Eff. Jan. 1, 2008;—Am. 2012, Act 178, Eff. Oct. 1, 2012;—Am. 2015, Act 61, Eff. Oct. 1, 2015;—Am. 2022, Act 126, Imd. Eff. June 29, 2022.

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."

289.2127 Manager food safety training; conditions for requiring.

Sec. 2127. After a conference with the owner of a retail food establishment for a repeated failure to correct a priority item or priority foundation item violation, the director may require certain individuals to complete manager food safety training for that food establishment.

History: 2000, Act 92, Eff. Nov. 8, 2000;—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."

***** Subsection (2) is not applicable after December 31, 2020 *****

289.2129 Certification of managerial employee under program accredited by American National Standards Institute; food safety training containing allergen awareness component; requirements; records documenting compliance; applicability of subsection (2); rules; updates; implementation of food handler program, employee health certification program, or manager certification program by local legislative body.

Sec. 2129. (1) Subject to subsection (2), all of the following food establishments shall employ a minimum of 1 managerial employee as a food safety manager, who must be an individual who is currently certified under a personnel certification program accredited by the American National Standards Institute, utilizing the Conference for Food Protection standards:

- (a) A food service establishment unless it is a licensed temporary food service establishment.

(b) An extended retail food establishment.

(c) A food service establishment operated within a retail grocery.

(2) Beginning January 14, 2017 and every 5 years thereafter, a certified food safety manager who supervises the operations of a food service establishment shall have completed a food safety training program containing an allergen awareness component that has been approved by the department. The allergen awareness component may be an online program or a video. However, a certified food safety manager at a food service establishment with more than 20 locations within this state may satisfy this requirement by completing any nationally recognized food safety training program containing an allergen awareness component. A food service establishment shall retain records on the site of the food service establishment documenting compliance of its certified food safety managers with this subsection. The department shall enforce this subsection in the same manner that it enforces other provisions related to certified food safety managers. This subsection applies until December 31, 2020.

(3) An individual certified as provided in subsection (1) shall be recognized with full faith and credit by this state and all local units of government throughout this state.

(4) The department may promulgate rules to do all of the following:

(a) Develop requirements for retail food establishments to follow when employing certified food safety managers or personnel.

(b) Set a reasonable date for compliance with the requirements under subdivision (a) taking into consideration existing local personnel certification requirements.

(c) Establish certification fees necessary to implement, maintain, and track certified individuals directly or by contract. The department may annually adjust the schedule of fees to provide that the fee charged is sufficient to cover the cost of the certification tracking program.

(d) Implement and enforce the requirements developed under subdivision (a).

(5) The certification program developed by the American National Standards Institute, as it exists on April 1, 2008, is incorporated by reference. The department may adopt updates to the certification program accreditation standards in subsection (1) by rule.

(6) This section does not prohibit a local legislative body from implementing a food handler program, an employee health certification program, or a manager certification program, if it is not in conflict with this section.

History: 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2007, Act 113, Eff. Apr. 1, 2008;—Am. 2012, Act 178, Eff. Oct. 1, 2012;—Am. 2014, Act 516, Imd. Eff. Jan. 14, 2015;—Am. 2015, Act 142, Eff. Jan. 11, 2016;—Am. 2016, Act 188, Eff. Sept. 19, 2016.

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.”

289.2131 Definition and standard of identity; rules fixing and establishing.

Sec. 2131. (1) When the department determines such action will promote honesty and fair dealing in the interest of consumers, the department shall promulgate rules fixing and establishing for any food or class of food a reasonable definition, standard of identity, and reasonable standard of quality and fill of container.

(2) In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the department shall designate the optional ingredients that are required to be named on the label.

History: 2000, Act 92, Eff. Nov. 8, 2000.

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.”

289.2132 Agreements with other states and federal government.

Sec. 2132. The department may enter into agreements with other states and the federal government to provide and accept food safety assistance, including the training of personnel. Any employee of the department assigned to food safety duties or training programs outside this state shall be considered to be

working inside this state for purposes of compensation and any other employee benefits.

History: Add. 2012, Act 178, Eff. Oct. 1, 2012.