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BILL ANALYSIS

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House Bill 4956 (Substitute S-2 as reported)
Sponsor: Representative Jeff Mayes
House Committee: Agriculture
Senate Committee: Agriculture

CONTENT

The bill would amend the Food Law to do the following:

- Incorporate the 2005 version of the Federal Food Code into the Law by reference, with some modifications, replacing the 1999 version.
- Require the Michigan Department of Agriculture (MDA) to conduct periodic evaluations, rather than inspections, of food establishments, and remove a requirement that inspections be conducted unannounced.
- Require evaluations to be conducted at least every six months (as currently required for inspections) or according to a risk-based schedule.
- Permit the MDA Director to take photographs or copy records as part of an evaluation.
- Increase State license fees for specific types of food service establishments.
- Increase the fee for a special transitory food unit license and for a special transitory food unit plan review.
- Remove an exemption from State and local license fees for food service establishments in schools.
- Permit the MDA Director to charge twice the applicable license fee for temporary food establishments applying for a license less than four days from opening.
- Exempt ice cream trucks, certain trade association events, and emergency feeding operations from the licensure requirements for food establishments.
- Require certain food establishments to employ at least one manager who was certified by a personnel certification program for food protection accredited by the American National Standards Institute (ANSI).
- Require the MDA, by 2009, to develop requirements for retail food establishments to follow when employing certified food safety managers or personnel.
- Adopt by reference the certification program for food safety and protection developed by ANSI.
- Require the MDA to promulgate rules establishing certification fees.
- Repeal certain sections of the Law dealing with effective dates, repealed statutes, and procedures to be followed when employees of a food establishment contact ready-to-eat foods with bare hands.

The increased fees and the provision allowing the MDA Director to charge twice the license fee for a temporary food establishment under certain circumstances would take effect January 1, 2008. All other provisions of the bill would take effect April 1, 2008.

The bill is tie-barred to Senate Bill 595, which also would amend the Food Law.

MCL 289.1105 et al.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

As a part of the overall update of the Michigan Food Law, the bill would increase various fees statutorily to reflect more accurately the fees actually being charged. Under current law, the Department may adjust fees annually by an amount related to the Detroit Consumer Price Index without seeking legislation. As a result, the statutory fee rates are not the rates actually being charged. The bill simply would bring the statutory rates to the level of the actual fee rates. Because of this, the bill would have a minimal fiscal impact on the Department. The statutory rate increases are outlined below.

Fee	Current Rate	Proposed Rate
Special Transitory Food Unit Plan Review	\$177	\$197
Plan Review under USDA Food Code Sec. 8-201.11	NA	\$197
Vending Machine Location State License Fee	\$2.50	\$3
Temporary Food Service Estab. State License Fee	\$2.50	\$3
Food Service Estab. State License Fee	\$19	\$22
Mobile Food Estab. Commissary State License Fee	\$19	\$22
Special Transitory Food Unit State License Fee	\$30	\$35
Special Transitory Food Unit – Local Fee - includes State license fee listed above	\$117	\$135

The bill also would authorize the MDA to charge a fee for food service managerial personnel who wished to be certified under a program accredited by the American National Standards Institute. While the rate of the fee is not specified in the bill, it would have to be set at a level to cover the actual costs to the Department. As a result, there would be no fiscal impact.

Date Completed: 8-29-07

Fiscal Analyst: Debra Hollon

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.