

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4956

A bill to amend 2000 PA 92, entitled
"Food law of 2000,"
by amending sections 1105, 1107, 1109, 2111, 2113, 2119, 2123,
2125, 2129, 3103, 3119, 3121, 3123, 3125, 3127, 3135, 3137, 3139,
4101, 4103, 4105, and 4107 (MCL 289.1105, 289.1107, 289.1109,
289.2111, 289.2113, 289.2119, 289.2123, 289.2125, 289.2129,
289.3103, 289.3119, 289.3121, 289.3123, 289.3125, 289.3127,
289.3135, 289.3137, 289.3139, 289.4101, 289.4103, 289.4105, and
289.4107), sections 1109 and 3119 as amended by 2002 PA 487; and
to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1105. As used in this act:
- 2 (a) "Adulterated" means food to which any of the following
- 3 apply:
- 4 (i) It bears or contains any poisonous or deleterious

1 substance that may render it injurious to health except that, if
2 the substance is not an added substance, the food is not
3 considered adulterated if the quantity of that substance in the
4 food does not ordinarily render it injurious to health.

5 (ii) It bears or contains any added poisonous or added
6 deleterious substance, other than a substance that is a pesticide
7 chemical in or on a raw agricultural commodity; a food additive;
8 or a color additive considered unsafe within the meaning of
9 subparagraph (v).

10 (iii) It is a raw agricultural commodity that bears or
11 contains a pesticide chemical considered unsafe within the
12 meaning of subparagraph (v).

13 (iv) It bears or contains any food additive considered unsafe
14 within the meaning of subparagraph (v) provided that where a
15 pesticide chemical has been used in or on a raw agricultural
16 commodity in conformity with an exemption granted or tolerance
17 prescribed under subparagraph (v) and the raw agricultural
18 commodity has been subjected to processing the residue of that
19 pesticide chemical remaining in or on that processed food is,
20 notwithstanding the provisions of subparagraph (v) and this
21 subdivision, not be considered unsafe if that residue in or on
22 the raw agricultural commodity has been removed to the extent
23 possible in good manufacturing practice and if the concentration
24 of that residue in the processed food when ready to eat is not
25 greater than the tolerance prescribed for the raw agricultural
26 commodity.

27 (v) Any added poisonous or deleterious substance, any food

additive, and pesticide chemical in or on a raw agricultural commodity, or any color additive is considered unsafe for the purpose of application of this definition, unless there is in effect a federal regulation or exemption from regulation under the federal act, meat inspection act, poultry product inspection act, or other federal acts, or a rule adopted under this act limiting the quantity of the substance, and the use or intended use of the substance, and the use or intended use of the substance conforms to the terms prescribed by the rule.

(vi) It is or contains a new animal drug or conversion product of a new animal drug that is unsafe within the meaning of section ~~512-360B~~ of the federal act, ~~21 U.S.C. 512-21~~ **USC 360B**.

(vii) It consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance or it is otherwise unfit for food.

(viii) It has been produced, prepared, packed, or held under insanitary conditions in which it may have become contaminated with filth or in which it may have been rendered diseased, unwholesome, or injurious to health.

(ix) It is the product of a diseased animal or an animal that has died other than by slaughter or that has been fed uncooked garbage or uncooked offal from a slaughterhouse.

(x) Its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health.

(xi) A valuable constituent has been in whole or in part omitted or abstracted from the food; a substance has been

1 substituted wholly or in part for the food; damage or inferiority
2 has been concealed in any manner; or a substance has been added
3 to the food or mixed or packed with the food so as to increase
4 its bulk or weight, reduce its quality or strength, or make it
5 appear better or of greater value than it is.

6 (xii) It is confectionery and has partially or completely
7 imbedded in it any nonnutritive object except in the case of any
8 nonnutritive object if, as provided by rules, the object is of
9 practical functional value to the confectionery product and would
10 not render the product injurious or hazardous to health; it bears
11 or contains any alcohol other than alcohol not in excess of 1/2
12 of 1% by volume derived solely from the use of flavoring
13 extracts; or it bears or contains any nonnutritive substance
14 except a nonnutritive substance such as harmless coloring,
15 harmless flavoring, harmless resinous glaze not in excess of 4/10
16 of 1%, harmless natural wax not in excess of 4/10 of 1%, harmless
17 natural gum and pectin or to any chewing gum by reason of its
18 containing harmless nonnutritive masticatory substances which is
19 in or on confectionery by reason of its use for some practical
20 functional purpose in the manufacture, packaging, or storage of
21 such confectionery if the use of the substance does not promote
22 deception of the consumer or otherwise result in adulteration or
23 misbranding in violation of the provisions of this act. For the
24 purpose of avoiding or resolving uncertainty as to the
25 application of this subdivision, the director may issue rules
26 allowing or prohibiting the use of particular nonnutritive
27 substances.

1 (xiii) It is or bears or contains any color additive that is
2 unsafe within the meaning of subparagraph (v).

3 (xiv) It has been intentionally subjected to radiation,
4 unless the use of the radiation was in conformity with a rule or
5 exemption under this act or a regulation or exemption under the
6 federal act.

7 (xv) It is bottled water that contains a substance at a level
8 higher than allowed under this act.

9 (b) "Advertisement" means a representation disseminated in
10 any manner or by any means, other than by labeling, for the
11 purpose of inducing, or which is likely to induce, directly or
12 indirectly, the purchase of food.

13 (c) "Bed and breakfast" means a private residence that
14 offers sleeping accommodations to transient tenants in 14 or
15 fewer rooms for rent, is the innkeeper's residence in which the
16 innkeeper resides while renting the rooms to transient tenants,
17 and serves breakfasts, **OR OTHER MEALS IN THE CASE OF A BED AND**
18 **BREAKFAST DESCRIBED IN SECTION 1107 (N) (ii) ,** at no extra cost to
19 its transient tenants. A bed and breakfast is not considered a
20 food service establishment if exempt under section ~~1107 (l) (iii) or~~
21 ~~(iv)~~ **1107 (N) (ii) OR (iii) .**

22 (d) "Color additive" means a dye, pigment, or other
23 substance made by process of synthesis or similar artifice or
24 extracted, isolated, or otherwise derived, with or without
25 intermediate or final change of identity from a vegetable,
26 animal, mineral, or other source, or when added or applied to a
27 food or any part of a food is capable alone or through reaction

1 with other substance of imparting color to the food. Color
2 additive does not include any material that is exempt or
3 hereafter is exempted under the federal act. This subdivision
4 does not apply to any pesticide chemical, soil or plant nutrient,
5 or other agricultural chemical solely because of its effect in
6 aiding, retarding, or otherwise affecting, directly or
7 indirectly, the growth of other natural physiological process of
8 produce of the soil and thereby affecting its color, whether
9 before or after harvest. Color includes black, white, and
10 intermediate grays.

11 (e) "Contaminated with filth" means contamination applicable
12 to any food not securely protected from dust, dirt, and, as far
13 as may be necessary by all reasonable means, from all foreign or
14 injurious contaminations.

15 (f) "Continental breakfast" means the serving of only non-
16 potentially-hazardous food such as a roll, pastry or doughnut,
17 fruit juice, or hot beverage, but may also include individual
18 portions of milk and other items incidental to those foods.

19 (g) "Critical violation" or "critical item" means a
20 violation of the food code that the director determines is more
21 likely than other violations to contribute to food contamination,
22 illness to humans, or environmental health hazard.

23 Sec. 1107. As used in this act:

24 (a) "Department" means the Michigan department of
25 agriculture.

26 (b) "Director" means the director of the Michigan department
27 of agriculture or his or her designee.

(C) "EVALUATION" MEANS A FOOD SAFETY AUDIT, INSPECTION, OR FOOD SAFETY AND SANITATION ASSESSMENT, WHETHER ANNOUNCED OR UNANNOUNCED, THAT IDENTIFIES VIOLATIONS OR VERIFIES COMPLIANCE WITH THIS ACT AND DETERMINES THE DEGREE OF ACTIVE CONTROL BY FOOD ESTABLISHMENT OPERATORS OVER FOODBORNE ILLNESS RISK FACTORS.

(D) ~~(e)~~—"Extended retail food establishment" means a retail grocery that does both of the following:

(i) Serves or provides an unpackaged food for immediate consumption.

(ii) Provides customer seating in the food service area.

(E) "FAIR CONCESSION" MEANS A FOOD CONCESSION, STORAGE, PREPARATION, OR DISPENSING OPERATION AT A STATE OR COUNTY FAIR.

(F) ~~(d)~~—"Federal act" means the federal food, drug, and cosmetic act, ~~chapter 675, 52 Stat. 1040, 21 U.S.C. USC 301 to 321, 331 to 333, 334 to 343-3, 344 to 346a, 347, 348 to 356e, 358 to 360, 360b to 360dd, 360hh to 363, 371 to 376, and 378 to 397.~~

(G) ~~(e)~~—"Food" means articles used for food or drink for humans or other animals, chewing gum, and articles used for components of any such article.

(H) ~~(f)~~—"Food additive" means any substance, the intended use of which, directly or indirectly, results in or may be reasonably expected to result in its becoming a component or otherwise affecting the characteristics of any food if that substance is not generally recognized among experts as having been adequately shown through scientific procedures to be safe under the conditions of its intended use. Food additive includes any substance intended for use in producing, manufacturing,

1 packing, processing, preparing, treating, packaging,
 2 transporting, or holding food and includes any source of
 3 radiation intended for any use. Food additive does not include
 4 any of the following:

5 (i) A pesticide chemical in or on a raw agricultural
 6 commodity.

7 (ii) A pesticide chemical to the extent that it is intended
 8 for use or is used in the production, storage, or transportation
 9 of any raw agricultural commodity.

10 (iii) A color additive.

11 (iv) Any substance used in accordance with a sanction or
 12 approval granted before the enactment of the food additives
 13 amendment of 1958, Public Law 85-929, ~~72 Stat. 1784~~, pursuant to
 14 the federal act, the poultry products inspection act, ~~Public Law~~
 15 ~~85-172, 71 Stat. 441, 21 U.S.C. USC 451 to 471~~, or the meat
 16 inspection act of March 4, 1907, chapter 2907, 34 Stat. 1258.

17 (I) ~~(g)~~ "Food code" means food code, ~~1999-2005~~
 18 recommendations of the food and drug administration of the United
 19 States public health service that regulates the design,
 20 construction, management, and operation of certain food
 21 establishments.

22 ~~— (h) "Food concession" means a food storage, preparation, or~~
 23 ~~dispensing operation at a state or county fair.~~

24 (J) ~~(i)~~ "Food establishment" means an operation where food
 25 is processed, packed, canned, preserved, frozen, fabricated,
 26 stored, prepared, served, sold, or offered for sale. Food
 27 establishment includes a food processing plant, a food service

1 establishment, and a retail grocery. Food establishment does not
2 include any of the following:

3 (i) A charitable, religious, fraternal, or other nonprofit
4 organization operating a home-prepared baked goods sale or
5 serving only home-prepared food in connection with its meetings
6 or as part of a fund-raising event.

7 (ii) An inpatient food operation located in a health facility
8 or agency subject to licensure under article 17 of the public
9 health code, MCL 333.20101 to 333.22260.

10 (iii) A food operation located in a prison, jail, state mental
11 health institute, boarding house, fraternity or sorority house,
12 convent, or other facility where the facility is the primary
13 residence for the occupants and the food operation is limited to
14 serving meals to the occupants as part of their living
15 arrangement.

16 (K) ~~(j)~~—"Food processing plant" means a food establishment
17 that processes, manufactures, packages, labels, or stores food
18 and does not provide food directly to a consumer.

19 (I) "FOOD SAFETY AND SANITATION ASSESSMENT" MEANS JUDGING OR
20 ASSESSING SPECIFIC FOOD HANDLING ACTIVITIES, EVENTS, CONDITIONS,
21 OR MANAGEMENT SYSTEMS IN AN EFFORT TO DETERMINE THEIR POTENTIAL
22 EFFECTIVENESS IN CONTROLLING RISKS FOR FOODBORNE ILLNESS AND
23 REQUIRED COMPLIANCE WITH THIS ACT, ACCOMPANIED BY A REPORT OF
24 FINDINGS.

25 (M) "FOOD SAFETY AUDIT" MEANS THE METHODICAL EXAMINATION AND
26 REVIEW OF RECORDS, FOOD SOURCES, FOOD HANDLING PROCEDURES, AND
27 FACILITY CLEANING AND SANITATION PRACTICES FOR COMPLIANCE WITH

1 THIS ACT, ACCOMPANIED BY A REPORT OF FINDINGS. FOOD SAFETY AUDIT
 2 INCLUDES CHECKING OR TESTING, OR BOTH, OF OBSERVABLE PRACTICES
 3 AND PROCEDURES TO DETERMINE COMPLIANCE WITH STANDARDS CONTAINED
 4 IN OR ADOPTED BY THIS ACT, ACCOMPANIED BY A REPORT OF FINDINGS.

5 (N) ~~(K)~~—"Food service establishment" means a fixed or mobile
 6 restaurant, coffee shop, cafeteria, short order cafe,
 7 luncheonette, grill, tearoom, sandwich shop, soda fountain,
 8 tavern, bar, cocktail lounge, nightclub, drive-in, industrial
 9 feeding establishment, private organization serving the public,
 10 rental hall, catering kitchen, delicatessen, theater, commissary,
 11 **FOOD CONCESSION**, or similar place in which food or drink is
 12 prepared for direct consumption through service on the premises
 13 or elsewhere, and any other eating or drinking establishment or
 14 operation where food is served or provided for the public. Food
 15 service establishment does not include any of the following:

16 (i) A motel that serves continental breakfasts only.

17 ~~——(ii) A food concession.~~

18 (ii) ~~(iii)~~—A bed and breakfast that has 10 or fewer sleeping
 19 rooms, including sleeping rooms occupied by the innkeeper, 1 or
 20 more of which are available for rent to transient tenants.

21 (iii) ~~(iv)~~—A bed and breakfast that has at least 11 but fewer
 22 than 15 rooms for rent, if the bed and breakfast serves
 23 continental breakfasts only.

24 (iv) ~~(v)~~—A child care organization regulated under 1973 PA
 25 116, MCL 722.111 to 722.128, unless the establishment is carrying
 26 out an operation considered by the director to be a food service
 27 establishment.

1 (O) ~~(H)~~—"Food warehouse" means a food establishment that
2 stores or distributes prepackaged food for wholesaling.

3 Sec. 1109. As used in this act:

4 (a) "Imminent or substantial hazard" means a condition at a
5 food establishment that the director determines requires
6 immediate action to prevent endangering the health of people.

7 **(B) "INSPECTION" MEANS THE CHECKING OR TESTING OF OBSERVABLE**
8 **PRACTICES AGAINST STANDARDS ESTABLISHED IN OR ADOPTED BY THIS**
9 **ACT, ACCOMPANIED BY A REPORT OF FINDINGS.**

10 (C) "JUICE" MEANS THE AQUEOUS LIQUID EXPRESSED OR EXTRACTED
11 FROM 1 OR MORE FRUITS OR VEGETABLES, PUREES OF THE EDIBLE
12 PORTIONS OF 1 OR MORE FRUITS OR VEGETABLES, OR ANY CONCENTRATES
13 OF SUCH LIQUID OR PUREE.

14 (D) ~~(b)~~—"Label" means a display of written, printed, or
15 graphic matter upon the immediate container of any article and
16 includes a requirement imposed under this act that any word,
17 statement, or other information appearing on the display also
18 appear on the outside container or wrapper of the retail package
19 of the article or be easily legible through the outside container
20 or wrapper.

21 (E) ~~(e)~~—"Labeling" means all labels and other written,
22 printed, or graphic matter upon an article, any of its containers
23 or wrappers, or accompanying the article.

24 (F) ~~(d)~~—"License limitation" means an action by which the
25 director imposes restrictions or conditions, or both, on a
26 license of a food establishment.

27 (G) ~~(e)~~—"License holder" means the entity that is legally

1 responsible for the operation of the food establishment including
2 the owner, the owner's agent, or other person operating under
3 apparent authority of the owner possessing a valid license to
4 operate a food establishment.

5 **(H) ~~(f)~~**—"Limited wholesale food processor" means a wholesale
6 food processor that has \$25,000.00 or less in annual gross
7 wholesale sales made or business done in wholesale sales in the
8 preceding licensing year, or \$25,000.00 or less of the food is
9 reasonably anticipated to be sold for the current licensing year.
10 Only the food sales from the wholesale food processor operation
11 are used in computing the annual gross sales under this
12 subdivision.

13 **(I) ~~(g)~~**—"Local health department" means that term as defined
14 in section 1105 of the public health code, MCL 333.1105, and
15 having those powers and duties as described in part 24 of the
16 public health code, MCL 333.2401 to 333.2498.

17 **(J) "MILK PRODUCT" MEANS CREAM, LIGHT CREAM, LIGHT WHIPPING**
18 **CREAM, HEAVY CREAM, HEAVY WHIPPING CREAM, WHIPPED CREAM, WHIPPED**
19 **LIGHT CREAM, SOUR CREAM, ACIDIFIED SOUR CREAM, CULTURED SOUR**
20 **CREAM, HALF-AND-HALF, SOUR HALF-AND-HALF, ACIDIFIED SOUR HALF-**
21 **AND-HALF, CULTURED SOUR HALF-AND-HALF, RECONSTITUTED OR**
22 **RECOMBINED MILK AND MILK PRODUCTS, CONCENTRATED MILK,**
23 **CONCENTRATED MILK PRODUCTS, SKIM MILK, LOWFAT MILK, FROZEN MILK**
24 **CONCENTRATE, EGGNOG, BUTTERMILK, CULTURED MILK, CULTURED LOWFAT**
25 **MILK, CULTURED SKIM MILK, YOGURT, LOWFAT YOGURT, NONFAT YOGURT,**
26 **ACIDIFIED MILK, ACIDIFIED LOWFAT MILK, ACIDIFIED SKIM MILK, LOW-**
27 **SODIUM MILK, LOW-SODIUM LOWFAT MILK, LOW-SODIUM SKIM MILK,**

1 LACTOSE-REDUCED MILK, LACTOSE-REDUCED LOWFAT MILK, LACTOSE-
2 REDUCED SKIM MILK, ASEPTICALLY PROCESSED AND PACKAGED MILK, MILK
3 PRODUCTS WITH ADDED SAFE AND SUITABLE MICROBIAL ORGANISMS, AND
4 ANY OTHER MILK PRODUCT MADE BY THE ADDITION OR SUBTRACTION OF
5 MILKFAT OR ADDITION OF SAFE AND SUITABLE OPTIONAL INGREDIENTS FOR
6 PROTEIN, VITAMIN, OR MINERAL FORTIFICATION. MILK PRODUCT DOES
7 INCLUDE DIETARY DAIRY PRODUCTS, DAIRY-BASED INFANT FORMULA, ICE
8 CREAM AND OTHER FROZEN DESSERTS, CHEESE, BUTTER, AND ANY OTHER
9 PRODUCT DERIVED FROM MILK.

10 (K) ~~(h)~~—"Misbranded" means food to which any of the
11 following apply:

12 (i) Its labeling is false or misleading in any particular.

13 (ii) It is offered for sale under the name of another food.

14 (iii) It is an imitation of another food unless its label
15 bears, in type of uniform size and prominence, the word
16 "imitation" and immediately thereafter the name of the food
17 imitated.

18 (iv) Its container is so made, formed, or filled as to be
19 misleading.

20 (v) It is in package form, unless it bears a label
21 containing both the name and place of business of the
22 manufacturer, packer, or distributor and an accurate statement of
23 the quantity of the contents in terms of weight, measure, or
24 numerical count subject to reasonable variations as are permitted
25 and exemptions as to small packages as are established by rules
26 prescribed by the department.

27 (vi) Any word, statement, or other labeling required by this

1 act is not prominently placed on the label or labeling
2 conspicuously and in such terms as to render it likely to be read
3 and understood by the ordinary individual under customary
4 conditions of purchase and use.

5 (vii) It purports to be or is represented as a food for which
6 a definition and standard of identity have been prescribed by
7 rules as provided by this act or under the federal act, unless it
8 conforms to such definition and standard and its label bears the
9 name of the food specified in the definition and standard, and,
10 insofar as may be required by the rules, the common names of
11 optional ingredients, other than spices, flavoring, and coloring,
12 present in such food.

13 (viii) It purports to be or is represented to be either of the
14 following:

15 (A) A food for which a standard of quality has been
16 prescribed by this act or rules and its quality falls below such
17 standard unless its label bears, in such manner and form as such
18 rules specify, a statement that it falls below such standard.

19 (B) A food for which a standard or standards of fill of
20 container have been prescribed by this act or rules and it falls
21 below the standard of fill of container applicable, unless its
22 label bears, in such manner and form as the rules specify, a
23 statement that it falls below the standard.

24 (ix) It does not bear labeling clearly giving the common or
25 usual name of the food, if one exists, and if fabricated from 2
26 or more ingredients, the common or usual name of each ingredient
27 except that spices, flavorings, and colorings, other than those

1 sold as such, may be designated as spices, flavorings, and
2 colorings, without naming each and under other circumstances as
3 established by rules regarding exemptions based upon
4 practicality, potential deception, or unfair competition.

5 (x) It bears or contains any artificial flavoring,
6 artificial coloring, or chemical preservative unless the labeling
7 states that fact and under other circumstances as established by
8 rules regarding exemptions based upon practicality.

9 (xi) If a food intended for human consumption and offered for
10 sale, its label and labeling do not bear the nutrition
11 information required under section 403(q) of the federal act, 21
12 ~~U.S.C.—USC~~ 343.

13 (xii) It is a product intended as an ingredient of another
14 food and, when used according to the directions of the purveyor,
15 will result in the final food product being adulterated or
16 misbranded.

17 (xiii) It is a color additive whose packaging and labeling are
18 not in conformity with packaging and labeling requirements
19 applicable to such color additive prescribed under the provisions
20 of the federal act.

21 (I) ~~(i)~~—"Mobile food establishment" means a food
22 establishment operating from a vehicle or watercraft that returns
23 to a licensed commissary for servicing and maintenance at least
24 once every 24 hours.

25 (M) ~~(j)~~—"Mobile food establishment commissary" means an
26 operation that is capable of servicing a mobile food
27 establishment.

1 (N) ~~(k)~~ "Person" means an individual, sole proprietorship,
2 partnership, corporation, association, or other legal entity.

3 (O) ~~(l)~~ "Pesticide chemical" means any substance that, alone,
4 in chemical combination, or in formulation with 1 or more other
5 substances, is a pesticide within the meaning of the federal
6 insecticide, fungicide, and rodenticide act, ~~chapter 125, 86~~
7 ~~Stat. 973, 7 U.S.C. USC 136 to 136i, 136j to 136r, and 136s to~~
8 136y, and is used in the production, storage, or transportation
9 of raw agricultural commodities.

10 (P) ~~(m)~~ "Principal display panel" means that part of a label
11 that is most likely to be displayed, presented, shown, or
12 examined under normal and customary conditions of display for
13 retail sale.

14 (Q) ~~(n)~~ "Public health code" means 1978 PA 368, MCL 333.1101
15 to 333.25211.

16 Sec. 2111. (1) The director shall have free access at all
17 reasonable hours to any food establishment, including a vehicle
18 used to transport or hold food, for the purpose of ~~inspecting~~
19 **EVALUATING** that food establishment or vehicle to determine if any
20 of the provisions of this act are being violated. The director
21 may secure samples or specimens of any food after paying or
22 offering to pay for such samples in order to determine whether
23 any provision of this act is being violated.

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

1 location.

2 (3) THE DIRECTOR MAY TAKE PHOTOGRAPHS OR COPY RECORDS AS
3 PART OF AN EVALUATION. WHEN A FOOD ESTABLISHMENT IDENTIFIES BY
4 WRITTEN DOCUMENT OR MARK THAT A CERTAIN AREA OR RECORD CONTAINS
5 VISIBLE TRADE SECRETS, THE DIRECTOR SHALL IDENTIFY ANY
6 PHOTOGRAPHS OF THAT AREA OR RECORD AS BEING CONFIDENTIAL AND
7 SHALL DILIGENTLY PROTECT THE CONFIDENTIALITY.

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

12 (2) A food establishment ordered to cease food operations
13 under subsection (1) shall not resume operations until the
14 director determines, upon ~~reinspection~~ **REEVALUATION**, that the
15 conditions responsible for the order to cease operations no
16 longer exist. The director shall offer an opportunity for
17 ~~reinspection~~ **REEVALUATION** upon request of the license holder of
18 the establishment.

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

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

(2) The department shall periodically conduct comprehensive ~~evaluations~~**REVIEWS** of each local health department's food service sanitation program. The ~~evaluations~~**REVIEWS** shall be based on criteria developed by the department with input from local health departments and shall include a review of both of the following:

(a) The adequacy of sanitary conditions in the food service establishments within the local health department jurisdiction.

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

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

(2) Based upon its ~~reinspection~~**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.

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

(a) A reissuance of a duplicate license, \$15.00.

(b) A free-sale letter, \$25.00 per letter in an order and \$5.00 per duplicate letter in the same order.

(c) An ~~inspection~~**EVALUATION** of a food establishment when the ~~inspection~~**EVALUATION** is a second ~~reinspection~~**REEVALUATION** of a food establishment that has already been ~~inspected~~**EVALUATED** and found to contain a critical violation or the ~~inspection~~

1 **EVALUATION** is performed at the request of the operator, \$60.00.

2 (d) A review and approval of training materials, \$60.00 per
3 hour.

4 (e) A special transitory food unit plan review, ~~\$177.00~~
5 \$197.00.

6 **(F) A PLAN REVIEW AS SPECIFIED IN SECTION 8-201.11 OF THE**
7 **FOOD CODE, \$197.00.**

8 (2) Fees collected under this section shall be deposited in
9 the ~~general~~ **DAIRY AND FOOD SAFETY** fund and ~~credited to the~~
10 ~~department~~ for enforcement of this act.

11 (3) The services referred to in subsection (1)(d) and (e)
12 involve the formal review and approval procedure. The department
13 may provide informal review or answer questions without charging
14 a fee.

15 Sec. 2129. ~~(1) Upon request, the department may review and~~
16 ~~issue approval of food safety training materials and food safety~~
17 ~~training programs including, but not limited to, home study~~
18 ~~programs and computer assisted training. Approval of food safety~~
19 ~~training materials and food safety training programs expires 3~~
20 ~~years from the date of original issuance.~~

21 ~~—— (2) To receive department approval, a food safety training~~
22 ~~material shall be reviewed for and contain the following:~~

23 ~~—— (a) Accuracy and consistency with this act and the food~~
24 ~~code.~~

25 ~~—— (b) Manager knowledge training that includes the knowledge~~
26 ~~requirements of section 2-102.11 of the food code.~~

27 ~~—— (3) The issuance date for each original certificate issued~~

~~under an approved food safety training program is the date the individual successfully completes the examination. A certificate expires 5 years from the date of original issuance. Any replacement or duplicate certificate shall have as its expiration date the same expiration date that was on the original certificate. Certified individuals may be recertified by passing a food safety certification examination or through an approved recertification training program.~~

~~—— (4) An individual certified under a training program approved under this section shall be recognized with full faith and credit by a local unit of government throughout the state.~~

(1) BEGINNING JUNE 30, 2009, THE FOLLOWING FOOD ESTABLISHMENTS SHALL EMPLOY A MINIMUM OF 1 MANAGERIAL EMPLOYEE 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 THAT IS NOT ANY OF THE FOLLOWING:

(i) A MOBILE FOOD ESTABLISHMENT.

(ii) OPERATING UNDER A TEMPORARY FOOD SERVICE ESTABLISHMENT LICENSE.

(iii) A SPECIAL TRANSITORY FOOD UNIT.

(iv) A VENDING MACHINE LOCATION.

(B) AN EXTENDED RETAIL FOOD ESTABLISHMENT.

(C) THE OPERATION OF A FOOD SERVICE ESTABLISHMENT WITHIN A RETAIL GROCERY.

(2) AN INDIVIDUAL CERTIFIED UNDER SUBSECTION (1) SHALL BE

1 RECOGNIZED WITH FULL FAITH AND CREDIT BY THE STATE AND ALL LOCAL
2 UNITS OF GOVERNMENT THROUGHOUT THE STATE.

3 (3) THE DEPARTMENT MAY PROMULGATE RULES TO DO ALL OF THE
4 FOLLOWING:

5 (A) BY JANUARY 1, 2009, DEVELOP REQUIREMENTS FOR RETAIL FOOD
6 ESTABLISHMENTS TO FOLLOW WHEN EMPLOYING CERTIFIED FOOD SAFETY
7 MANAGERS OR PERSONNEL.

8 (B) SET A REASONABLE DATE FOR COMPLIANCE WITH THE
9 REQUIREMENTS TAKING INTO CONSIDERATION EXISTING LOCAL PERSONNEL
10 CERTIFICATION REQUIREMENTS.

11 (C) ESTABLISH CERTIFICATION FEES NECESSARY TO IMPLEMENT,
12 MAINTAIN, AND TRACK CERTIFIED INDIVIDUALS DIRECTLY OR BY
13 CONTRACT. THE DEPARTMENT MAY ANNUALLY ADJUST THE SCHEDULE OF FEES
14 TO PROVIDE THAT THE FEE CHARGED IS SUFFICIENT TO COVER THE COST
15 OF THE CERTIFICATION TRACKING PROGRAM.

16 (D) IMPLEMENT AND ENFORCE THE REQUIREMENTS DESCRIBED IN
17 SUBDIVISION (A).

18 (E) THE CERTIFICATION PROGRAM DEVELOPED BY THE AMERICAN
19 NATIONAL STANDARDS INSTITUTE, AS IT EXISTS ON THE EFFECTIVE DATE
20 OF THE AMENDATORY ACT THAT ADDED THIS SECTION, IS INCORPORATED BY
21 REFERENCE. THE DEPARTMENT MAY ADOPT UPDATES TO THE CERTIFICATION
22 PROGRAM ACCREDITATION STANDARDS IN SUBSECTION (1) BY RULE.

23 (4) ~~(5)~~—This section does not prohibit any local legislative
24 body from implementing a food handler program, an employee health
25 certification program, or a manager certification program,
26 provided it is not in conflict with this section.

27 Sec. 3103. As used in this chapter:

1 (a) "Certified health department" means a county, district,
2 or city health department that meets the criteria for
3 certification of health departments established by this act and
4 that is authorized by the director to enforce this act for retail
5 groceries, food processing plants, or ~~feed~~-**FAIR** concessions.

6 (b) "Foodborne illness outbreak" means an incident where any
7 of the following occur:

8 (i) Two or more persons, not of the same household, have
9 ingested a common food and have a similar disease, similar
10 symptoms, or excrete the same pathogens and there is a time,
11 place, or person association between these persons.

12 (ii) There is a single case of suspected botulism, mushroom
13 poisoning, paralytic shellfish poisoning, or other rare disease.

14 (iii) There is a case of a disease or poisoning that can be
15 definitely related to ingestion of a food.

16 (c) "Food service sanitation program" means the systematic
17 activity of the department and a local health department for
18 effective administration and enforcement of the food code and
19 this act, including all of the following:

20 (i) Periodic ~~inspections~~-**EVALUATIONS** of food service
21 establishments, temporary food service establishments, vending
22 machines, and vending machine locations for compliance with law.

23 (ii) Support of recommendations for licensure with
24 appropriate records.

25 (iii) Review of plans and specifications for new and
26 extensively remodeled establishments.

27 (iv) Educational activities.

(v) Investigation of reports of foodborne illnesses.

(vi) Other activities which may be necessary to assure proper implementation of this act.

Sec. 3119. (1) Except as otherwise provided for in subsection (2), upon submission of an application, an applicant for a food service establishment license shall pay to the local health department having jurisdiction the required fees authorized by section 2444 of the public health code, MCL 333.2444, and an additional state license fee as follows:

(a) Vending machine location fee	\$ 2-503.00.
(b) Temporary food service establishment...	\$ 2-503.00.
(c) Food service establishment.....	\$19-0022.00.
(d) Mobile food establishment commissary...	\$19-0022.00.
(e) Special transitory food unit.....	\$30-0035.00.

(2) When licensing a special transitory food unit, a local health department shall impose a fee of ~~\$117.00~~ \$135.00, which includes the additional state license fee imposed under subsection (1) unless exempted under subsection (4) or (5).

(3) The state license fee required under subsection (1) shall be collected by the local health department at the time the license application is submitted. The state license fee is due and payable by the local health department to the state within 60 days after the fee is collected.

~~———— (4) A school or other educational institution is exempt from paying the fees imposed under section 2444 of the public health code, MCL 333.2444, and the additional state license fee imposed~~

~~under subsections (1) and (2) but is not exempt from the other provisions of this chapter.~~

(4) ~~(5)~~—A charitable, religious, fraternal, service, civic, or other nonprofit organization that has tax-exempt status under section 501(c)(3) of the internal revenue code of 1986 is exempt from paying additional state license fees imposed under this section except for the vending machine location license fee. An organization seeking an exemption under this subsection shall furnish to the department or a local health department evidence of its tax-exempt status.

(5) ~~(6)~~—A veteran who has a waiver of a license fee under the circumstances described in 1921 PA 359, MCL 35.441 to 35.443, is exempt from paying the fees prescribed in this section.

(6) ~~(7)~~—The department shall adjust on an annual basis the fees prescribed by subsections (1) and (2) ~~, as adjusted after November 8, 2000,~~ by an amount determined by the state treasurer to reflect the cumulative annual percentage change in the Detroit consumer price index but not to exceed 5%. As used in this subsection, "Detroit consumer price index" means the most comprehensive index of consumer prices available for the Detroit area from the bureau of labor statistics of the United States department of labor or its successor. The adjustment shall be rounded to the nearest dollar to set each year's fee under this subsection, but the absolute value shall be carried over and used to calculate the next annual adjustment.

(7) ~~(8)~~—The local health department shall forward the license applications to the department with appropriate

1 recommendations.

2 Sec. 3121. (1) The department or a local health department
3 shall conduct ~~inspections~~**EVALUATIONS** in compliance with this
4 act.

5 (2) Records for all of the following shall be maintained by
6 a local health department:

7 (a) Applications for licensure.

8 (b) Operation licenses.

9 (c) ~~Inspection~~**EVALUATION** reports.

10 (d) Pertinent correspondence.

11 (e) Plans and specifications.

12 (f) Administrative actions.

13 (g) Other applicable information relating to the operation
14 of each food service establishment.

15 (3) A local health department shall maintain a record of all
16 consumer complaints, the ensuing investigation, and the result of
17 the complaint.

18 (4) All department and local health department records shall
19 be retained in accordance with the records retention schedule of
20 the department.

21 Sec. 3123. (1) ~~An unannounced~~**A** compliance ~~inspection~~
22 **EVALUATION** of each food service establishment shall be performed
23 **BY THE DIRECTOR** at least once every 6 months ~~by a regulatory~~
24 ~~authority~~**OR AS REQUIRED BY A STATEWIDE DEPARTMENT APPROVED RISK-**
25 **BASED SCHEDULE. RISK-BASED SCHEDULES SHALL BE DEVELOPED IN**
26 **CONSULTATION WITH LOCAL HEALTH DEPARTMENTS.**

27 (2) A food service establishment which operates for 9 or

1 fewer months each year shall be inspected at least once during
2 the period of operation by ~~a regulatory authority~~ **THE DIRECTOR OR**
3 **AS PRESCRIBED IN THE DEPARTMENT'S RISK-BASED SCHEDULE.**

4 Sec. 3125. (1) Subject to subsection (3), a local health
5 department, with the approval of the director and based on
6 criteria developed by the department in consultation with local
7 health departments, may reduce the frequency of ~~inspections~~
8 **EVALUATIONS** of individual food service establishments if the
9 local health department determines that a reduced ~~inspection~~
10 **EVALUATION** frequency will not adversely affect food service
11 sanitation practices within the food service establishment.

12 (2) A food service establishment which, upon investigation,
13 is implicated in a foodborne illness outbreak or chemical
14 intoxication shall be ~~inspected~~ **EVALUATED** by ~~a regulatory~~
15 ~~authority~~ **THE DIRECTOR** in compliance with section 3123 for not
16 less than the next 12 months.

17 (3) A local health department shall not reduce the minimum
18 frequency of ~~inspections~~ **EVALUATIONS** of any food service
19 establishment to less than ~~once each 12 months~~ **THAT DESCRIBED IN**
20 **SECTION 3123 UNLESS APPROVED BY THE DEPARTMENT.**

21 Sec. 3127. (1) The findings of an ~~inspection~~ **EVALUATION** of a
22 food service establishment shall be recorded on an ~~inspection~~
23 **EVALUATION** report form approved by the department. The form shall
24 identify those items considered to be critical from a public
25 health standpoint.

26 (2) The ~~inspection~~ **EVALUATION** report shall summarize
27 findings relative to compliance with the requirements of this

1 act. The report form shall be signed and dated by the local
2 health department representative.

3 (3) Upon completion of the ~~inspection-EVALUATION~~, a copy of
4 the completed ~~inspection-EVALUATION~~ report form shall be
5 furnished to the person in charge of the food service
6 establishment. The person in charge shall sign the report form
7 acknowledging receipt.

8 Sec. 3135. (1) The department shall make available to any
9 local health department an application form to be completed as a
10 request for certification. The application shall provide
11 information needed to substantiate the request to become a
12 certified health department.

13 (2) A local health department seeking certification shall
14 have sufficient trained administrative, ~~inspection-EVALUATION~~,
15 and support personnel and sufficient equipment to enforce
16 applicable laws and rules consistent with current state standards
17 in all licensed establishments within its jurisdictional
18 boundaries.

19 (3) A certified health department shall demonstrate to the
20 department the ability to conduct ~~inspections-EVALUATIONS~~ and
21 related activities in accordance with the department's ~~food~~
22 ~~inspection-information-management-ELECTRONIC EVALUATION~~ system
23 within prescribed time limitations utilized by the department.
24 ~~Inspection-EVALUATION~~, investigation, and legal actions and
25 related activities shall be reported to the department on forms
26 furnished by the department.

27 (4) A certified health department must be capable of

1 conducting necessary sampling and ~~produce~~**PRODUCT** surveillance
2 equal to state standards.

3 Sec. 3137. (1) The department shall conduct a general review
4 and evaluation of reports and related data made by certified
5 health departments under this act as often as considered
6 necessary by the department.

7 (2) An ~~inspection~~**EVALUATION** quality assurance program
8 consisting of field evaluation of performed ~~inspections~~
9 **EVALUATIONS** conducted by the certified health department shall be
10 routinely conducted by the department at a ratio of approximately
11 1 per 100 ~~inspections~~**EVALUATIONS** made.

12 (3) A certified health department shall report annually to
13 the department a summary of all inspections, investigations,
14 samplings, legal actions, and any other actions of a significant
15 nature on a form furnished by the department. This report shall
16 be made annually on the basis of the state fiscal year.

17 (4) ~~Review or evaluation~~**A REVIEW** disclosing adverse
18 findings shall be reported in writing by the department to the
19 health officer of the certified health department within 30 days
20 after the review ~~or evaluation~~ under subsection (1) is completed.

21 Sec. 3139. (1) If a certified health department fails to
22 meet the requirements established in this act or rules
23 promulgated under this act, written notice of deficiencies shall
24 be furnished to the health officer of that certified health
25 department within 30 days after completion of the review ~~or~~
26 ~~evaluation~~ under section 3137. This notice shall offer an
27 opportunity to the health officer of the certified health

1 department for a hearing with the director. If a hearing is not
2 requested, certification issued under this chapter shall be
3 revoked within 30 days following the notice to the health officer
4 of the certified health department. If a hearing is held and
5 deficiencies are not corrected within the time period specified
6 in the hearing, certification shall be revoked within the time
7 period specified in the hearing.

8 (2) If requested by the health officer of the certified
9 health department in a written notice to the director,
10 certification issued under this chapter shall be revoked within
11 30 days of receipt of the written notice.

12 (3) Revocation of certification issued under this chapter
13 does not restrict a health department from reapplication for
14 certification.

15 Sec. 4101. (1) Except as provided in section 4105, a person
16 shall not operate a food establishment unless licensed by the
17 department as a food establishment.

18 (2) Separate areas for food service or preparation located
19 in 1 building and **ACTIVELY** operated under 1 management are
20 considered to be 1 food establishment and only 1 license is
21 required. **THE DIRECTOR MAY REQUIRE SEPARATE LICENSES FOR THESE**
22 **AREAS IF MANAGED SEPARATELY EVEN THOUGH UNDER THE SAME OWNER.**

23 (3) Except as otherwise provided in this act, a city,
24 county, or other local unit of government shall not adopt or
25 enforce licensing ordinances or regulations for persons regulated
26 under this act.

27 Sec. 4103. (1) An applicant shall submit an application for

1 a food establishment license at least 30 calendar days before the
2 date planned for its opening ~~—OR~~ the change of ownership. ~~—or~~
3 ~~the expiration of the current license.~~ **FOR TEMPORARY FOOD**

4 **ESTABLISHMENTS APPLYING LESS THAN 4 DAYS FROM OPENING, THE**
5 **DIRECTOR MAY CHARGE TWICE THE APPLICABLE LICENSE FEE TO PERFORM**
6 **THE LICENSING EVALUATION.**

7 (2) Application for the license under subsection (1) shall
8 be submitted upon the forms ~~furnished~~ **APPROVED** by the department
9 and shall contain the reasonable information required by the
10 department to process the application.

11 (3) An application for a mobile food establishment license
12 shall include all of the following information:

13 (a) The location and dates of the operation.

14 (b) The name and address of the commissary that will service
15 the applicant.

16 (4) Within 10 days after a change in the servicing
17 commissary, the mobile food establishment licensee shall submit
18 an affidavit containing the name and address of the new
19 commissary servicing the licensee.

20 (5) The director may issue a temporary food establishment
21 license.

22 Sec. 4105. (1) Except as otherwise provided for in
23 subsection (2), a person, establishment, or organization that is
24 1 or more of the following is exempt from the licensure
25 requirements under this act:

26 (a) Subject to subsection (2), an establishment licensed
27 under 1 of the following acts while conducting activities within

1 the scope of that act:

2	<u>Public Act No.</u>	<u>Year</u>	<u>Compiled Law Sections</u>
3	184	1913	445.331 to 445.341
4	222	1913	288.101 to 288.117
5	141	1939	285.61 to 285.82a 285.88
6	228	1959	286.371 to 286.379
7	158	1964	290.451 to 290.466
8	233	1965	288.21 to 288.29a
9	298	1968	288.321 to 288.334
10	266	2001	288.471 TO 288.540
11	267	2001	288.561 TO 288.740

12 (b) A ~~produce stand~~ **PERSON** that ~~offers~~ **IS OFFERING** only
 13 whole uncut fresh fruits and vegetables **DIRECTLY TO CONSUMERS.**

14 (c) Consumers or nonprofit cooperatives of consumers **IN**
 15 **COMPLIANCE WITH THE NONPROFIT CORPORATION ACT, 1982 PA 162, MCL**
 16 **450.2101 TO 450.3192,** providing products **FROM REGULATED SOURCES**
 17 only for their own use.

18 (d) Nonprofit cooperatives **IN COMPLIANCE WITH THE NONPROFIT**
 19 **CORPORATION ACT, 1982 PA 162, MCL 450.2101 TO 450.3192,** who are
 20 growers ~~or producers~~ selling unprocessed products of their own
 21 production **OR ARE PRODUCERS SELLING UNPROCESSED PRODUCTS OF THEIR**
 22 **OWN PRODUCTION FROM REGULATED SOURCES.**

23 (e) Retail outlets for the sale of prepackaged honey or
 24 maple syrup produced in Michigan if the outlet is operated by the
 25 producer and the processing facility is licensed under this act.

26 (f) A temporary food establishment with no food preparation
 27 using only single-service articles and serving only non-

1 potentially-hazardous food or beverage.

2 (g) A retail food establishment that does both of the
3 following:

4 (i) Only sells prepackaged, non-potentially-hazardous foods.

5 (ii) Offers only an incidental amount of food, such as the
6 sale of single-service packages.

7 (H) A MOBILE FOOD ESTABLISHMENT, SUCH AS AN ICE CREAM TRUCK,
8 THAT OFFERS ONLY PREPACKAGED, SINGLE-SERVING FROZEN DESSERTS.

9 (I) AN EVENT NOT OPEN TO THE GENERAL PUBLIC HELD BY A
10 NONPROFIT TRADE ASSOCIATION REPRESENTING FOOD ESTABLISHMENTS,
11 SUPPLIERS, OR MANUFACTURERS WHERE LIMITED FOOD PREPARATION TAKES
12 PLACE FOR THE PURPOSE OF ADVERTISING, DISPLAYING, PROMOTING, AND
13 SAMPLING PREPARED FOOD.

14 (J) ~~(h)~~—A commercial fishing guide service that serves lunch
15 to a party of not more than 12 clients on or adjacent to a body
16 of water, river, or stream while pursuing, capturing, catching,
17 killing, taking, or attempting to take fish. As used in this
18 subparagraph, "commercial fishing guide service" means a service
19 provided for a fee or other valuable consideration, regardless of
20 whether the fee or other valuable consideration is paid directly
21 or indirectly, to assist another person in pursuing, capturing,
22 catching, killing, taking, or attempting to take fish.

23 (K) ~~(i)~~—A person owning or operating a device that dispenses
24 only bottled or canned soft drinks; other packaged nonperishable
25 foods or beverages; or bulk gum, nuts, and panned candies.

26 (L) FEEDING OPERATIONS SET UP IN RESPONSE TO AN EMERGENCY OR
27 DISASTER.

1 (2) Notwithstanding subsection (1)(a), a person operating as
2 or conducting activities the director considers to be a food
3 establishment must be licensed in the appropriate category under
4 this act.

5 (3) If food is prepared in a food service establishment
6 licensed under this chapter and the food is transported from the
7 food service establishment to a fixed temporary serving location,
8 the serving location is not required to be separately licensed
9 and is considered an extension of the food service establishment
10 if no food preparation is conducted at the serving location and
11 the food is transported and served by employees of the food
12 service establishment.

13 Sec. 4107. To qualify for a food establishment license, an
14 applicant shall do all of the following:

15 (a) Submit an application ~~on a form provided by the~~
16 ~~department~~ **AS REQUIRED BY SECTION 4103.**

17 (b) Be an owner of the food establishment or an officer of
18 the legal entity owning the food establishment.

19 (c) Comply with the requirements of this act and rules
20 promulgated under this act.

21 (d) Allow the director access to the proposed food
22 establishment in order to determine compliance with the
23 applicable requirements of this act and rules.

24 (e) Pay the applicable license fees at the time the
25 application is submitted.

26 Enacting section 1. Sections 1115, 1117, and 6151 of the
27 food law of 2000, 2000 PA 92, MCL 289.1115, 289.1117, and

1 289.6151, are repealed effective April 1, 2008.

2 Enacting section 2. (1) Sections 2125, 3119, and 4103 of the
3 food law of 2000, 2000 PA 92, MCL 289.2125, 289.3119, and
4 289.4103, as amended by this amendatory act, take effect January
5 1, 2008.

6 (2) Sections 1105, 1107, 1109, 2111, 2113, 2119, 2123, 2129,
7 3103, 3121, 3123, 3125, 3127, 3135, 3137, 3139, 4101, 4105, and
8 4107 of the food law of 2000, 2000 PA 92, MCL 289.1105, 289.1107,
9 289.1109, 289.2111, 289.2113, 289.2119, 289.2123, 289.2129,
10 289.3103, 289.3121, 289.3123, 289.3125, 289.3127, 289.3135,
11 289.3137, 289.3139, 289.4101, 289.4105, and 289.4107, as amended
12 by this amendatory act, take effect April 1, 2008.

13 Enacting section 3. This amendatory act does not take effect
14 unless Senate Bill No. 595 of the 94th Legislature is enacted
15 into law.