

HOUSE BILL No. 5940

November 12, 2014, Introduced by Reps. Daley and Lauwers and referred to the Committee on Agriculture.

A bill to amend 2000 PA 92, entitled
"Food law,"
by amending sections 2111, 2125, 4111, and 4113 (MCL 289.2111, 289.2125, 289.4111, and 289.4113), section 2111 as amended by 2007 PA 113, sections 2125 and 4111 as amended by 2012 PA 178, and section 4113 as amended by 2007 PA 114.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2111. (1) The director shall have free access at ~~all~~
2 reasonable hours to any food establishment, including a vehicle
3 used to transport or hold food, for the purpose of evaluating that
4 food establishment or vehicle to determine if ~~any of the provisions~~
5 of this act **OR RULES PROMULGATED UNDER THIS ACT** are being violated.
6 The director may secure samples or specimens of any food, after
7 paying or offering to pay for ~~such~~ **THE** samples, ~~in order to~~

determine ~~whether any provision of this act is~~ **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 ~~pertaining to,~~ persons employed by, the food establishment or location.

(3) The director may take photographs or copy records as part of an evaluation. When 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 record as being confidential and shall diligently protect the confidentiality.

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 \$60.00~~ per letter. ~~in an order and \$5.00 per duplicate letter in the same order.~~

(c) 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.

(d) A shellfish dealer's certificate, \$150.00 annually.

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

(f) A special transitory food unit plan review, \$197.00.

(g) A plan review as specified in section 8-201.11 of the food

1 code, \$197.00.

2 (2) Fees collected under this section shall be deposited in
3 the dairy and food safety fund created in section 4117 for
4 enforcement of this act.

5 (3) The services referred to in subsection (1)(e) and (f)
6 involve the formal review and approval procedure. The department
7 may provide informal review or answer questions without charging a
8 fee.

9 Sec. 4111. (1) The department shall impose the following
10 license fees for each year or portion of a year:

11 (a) Retail food establishment: ~~\$67.00~~ **\$134.00 FOR 2015,**
12 **\$160.00 FOR 2016, AND \$183.00 FOR ANY SUBSEQUENT YEAR.**

13 (b) Extended retail food establishment: ~~\$172.00~~ **\$344.00 FOR**
14 **2015, \$400.00 FOR 2016, AND \$468.00 FOR ANY SUBSEQUENT YEAR.**

15 (c) Food processor: ~~\$172.00~~ **\$344.00 FOR 2015, \$400.00 FOR**
16 **2016, AND \$468.00 FOR ANY SUBSEQUENT YEAR.**

17 (d) Limited food processor: ~~\$67.00~~ **\$134.00 FOR 2015, \$160.00**
18 **FOR 2016, AND \$183.00 FOR ANY SUBSEQUENT YEAR.**

19 (e) Mobile food establishment: ~~\$172.00~~ **\$183.00 FOR 2015,**
20 **\$186.00 FOR 2016, AND \$189.00 FOR ANY SUBSEQUENT YEAR.**

21 (f) Temporary food establishment: ~~\$25.00~~ **\$50.00 FOR 2015,**
22 **\$60.00 FOR 2016, AND \$70.00 FOR ANY SUBSEQUENT YEAR.**

23 (g) Special transitory food unit: ~~\$135.00~~ **\$150.00 FOR 2015,**
24 **\$153.00 FOR 2016, AND \$156.00 FOR ANY SUBSEQUENT YEAR.**

25 (h) Mobile food establishment commissary: ~~\$172.00~~ **\$183.00 FOR**
26 **2015, \$186.00 FOR 2016, AND \$189.00 FOR ANY SUBSEQUENT YEAR.**

27 (i) Food warehouse: ~~\$67.00~~ **\$134.00 FOR 2015, \$160.00 FOR 2016,**

1 **AND \$183.00 FOR ANY SUBSEQUENT YEAR.**

2 (j) Food service establishment: the amounts described in
3 subsection (2).

4 (2) If a local health department no longer conducts a food
5 service program, the department, in consultation with the
6 commission of agriculture and rural development, shall set the food
7 sanitation fees to be imposed for the ~~department's services~~
8 ~~performed under subsection (1)(j).~~ **CONDUCT OF THE FOOD SERVICE**
9 **PROGRAM BY THE DEPARTMENT.** The fees imposed shall equal, as nearly
10 as possible, 1/2 of the department's cost of providing the service.
11 The department may impose the service fees for up to 12 months
12 after the date of cessation by the local health department. After
13 the 12-month period, the department shall collect the fees only ~~in~~
14 ~~the amount provided by amendment of this act or as~~ authorized
15 pursuant to an appropriation.

16 (3) Any license fee paid on an initial application is
17 nonrefundable.

18 (4) The department may charge a convenience fee and collect
19 from the applicant any additional costs associated with the method
20 of fee payment for the license or permit fees described in this
21 chapter, not to exceed the costs to the department.

22 Sec. 4113. (1) The department shall impose, for a renewal
23 application postmarked or delivered in person ~~beginning~~ **ON OR AFTER**
24 May 1 of each year, a late fee of an additional ~~\$10.00 for each~~
25 ~~business day the application is late.~~ **\$150.00.** The late fee for a
26 new application submitted after the establishment has opened for
27 business is an additional ~~\$10.00 for each business day the~~

1 ~~application is late. The total late fee shall not exceed \$100.00.~~
2 ~~\$150.00.~~

3 (2) The department shall not issue or renew a license until
4 the fee and any late fee, reinspection fees, and fines have been
5 paid. A hearing ~~is not required~~ regarding the department's refusal
6 to issue or renew a license under this section **IS NOT REQUIRED**
7 except as ~~allowed~~ **PROVIDED** under the administrative procedures act
8 of 1969, 1969 PA 306, MCL 24.201 to 24.328.

9 (3) The department may waive the late fee for producers of
10 maple syrup, honey, and other seasonal agricultural products if the
11 license application is submitted not less than 30 days before the
12 applicant engages in processing, packing, freezing, storing, **OR**
13 selling ~~, or offering for sale the food or drink described in this~~
14 ~~subsection.~~ **PRODUCT.**

15 (4) The late fee shall be retained by any certified health
16 department or, in an area where there is no certified health
17 department, by the department.

18 (5) The department shall use the late fee for the
19 administration and enforcement of this act.