

ADD MOREL MUSHROOM EXEMPTION TO FOOD LAW

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House Bill 5532 as introduced
Sponsor: Rep. Triston Cole
Committee: Agriculture
Complete to 4-19-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill would exempt morel mushrooms from the requirement in the state Food Law that mushroom species picked in the wild must be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert.

Section 6101 of The Food Law (Public Act 92 of 2000) incorporates by reference, with certain exceptions, Chapters 1-8 of the Food Code, a model system of food regulation published every four years by the U.S. Public Health Service, Food and Drug Administration (FDA). The specific exceptions to the national Food Code in state law are found in Section 6101 of the Food Law.

Although the FDA has issued a 2013 edition of the national Food Code, the state Food Law currently references the 2009 Food Code. With respect to the sale of wild mushrooms, the 2009 Food Code (Sec. 3-201.16) states that mushroom species picked in the wild must be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert.

House Bill 5532 would add language exempting morel mushrooms from this provision in the state Food Law.

The 2009 Food Code makes two exceptions to the general provision about mushrooms; Subsection B indicates that the section does not apply to:

- (1) Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the food regulatory agency that has jurisdiction over the operation.
- (2) Wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

For Michigan, the food regulatory agency is the Department of Agriculture and Rural Development (MDARD).

FISCAL IMPACT:

The bill does not appear to have a direct or material fiscal impact on state or local government.

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