



**Senate Fiscal Agency**  
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**BILL ANALYSIS**

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Senate Bill 774 (as introduced 2-9-16)

Sponsor: Senator Joe Hune

Committee: Agriculture

Date Completed: 5-23-16

**CONTENT**

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

- Exclude a vending machine location from a requirement that a local health department inspect a proposed or existing food service establishment before making a recommendation on the issuance of a license.**
- Exclude a vending machine location from a requirement that the Director of the Department of Agriculture and Rural Development perform compliance evaluations of a food service establishment.**
- Eliminate a requirement for a preopening evaluation of a vending machine location.**
- Delete reference to a vending machine location from a requirement that the Director have access to a food establishment and its records.**

The bill would take effect 90 days after its enactment.

The Law delegates the enforcement of requirements pertaining to most food service establishment to local health departments. A local health department must review a license application for a food service establishment, including a vending machine location, to determine whether the application is complete and accurate. After determining that an application is proper, complete, and accurate, the local health department must inspect the proposed or existing establishment to determine compliance with the Law before making its recommendation to the Department on the issuance of a food establishment license. Under the bill, the inspection requirement would apply to a food establishment other than a vending machine location.

The Director must perform a compliance evaluation of each food service establishment at least once every six months or as required by a statewide Department-approved risk-based schedule. A food service establishment that operates for nine or fewer months each year must be inspected at least once during the period of operation. Under the bill, these requirements would apply to a food service establishment other than a vending machine location.

Notwithstanding any other provision of the Law, the Department must issue an initial license within 90 days after an applicant files a completed application, and must issue a renewal license within 120 days after an applicant files a completed application. "Completed application" means an application complete on its face and submitted with any applicable licensing fees as well as other information, records, approval, security or similar item required by law or rule. In the case of an initial application, "completed application" includes the completion of construction or renovation of any facility, and passage of a satisfactory

evaluation. Under the bill, a completed application for a vending machine location would not include passage of a satisfactory evaluation.

After completion of construction, alteration, conversion, or remodeling and before the opening of a food establishment, the license applicant or license holder must notify the Director, submit a license application, and arrange for a preopening evaluation. A vending machine location would not be subject to the preopening evaluation requirements, under the bill.

The Law requires the Director of the Department to have free access at reasonable hours to any food establishment, in order to determine whether the Law or rules promulgated under it are being violated. The Director also may examine the records of the food establishment to obtain information about food, supplies, and equipment purchased, received, or used by the food establishment. The bill would exempt a vending machine location from these requirements.

MCL 289.2111 et al

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

The bill would have an indeterminate impact on local public health departments, as it would remove a requirement that they (as delegated by the Department of Agriculture and Rural Development) inspect food-oriented vending machines in the State.

The bill would have no fiscal impact on the State.

Fiscal Analyst: Bruce Baker

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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.