

SENATE BILL NO. 882

May 22, 2024, Introduced by Senator SINGH and referred to the Committee on Energy and Environment.

A bill to amend 2000 PA 92, entitled
"Food law,"
by amending section 4105 (MCL 289.4105), as amended by 2016 PA 188.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4105. (1) A person, establishment, or organization that
2 is 1 or more of the following is exempt from the licensure
3 requirements under this act:

4 (a) Subject to subsection (2), an establishment licensed under
5 1 of the following acts while conducting activities within the

1 scope of that act:

2 (i) Grain dealers act, 1939 PA 141, MCL 285.61 to 285.89.

3 (ii) 1959 PA 228, MCL 286.371 to 286.379.

4 (iii) 1964 PA 158, MCL 290.451 to 290.466.

5 (iv) Grade A milk law of 2001, 2001 PA 266, MCL 288.471 to
6 288.540.

7 (v) Manufacturing milk law of 2001, 2001 PA 267, MCL 288.561
8 to 288.740.

9 (b) A person that is offering only whole uncut fresh fruits
10 and vegetables directly to consumers.

11 (c) Consumers or nonprofit cooperatives of consumers in
12 compliance with the nonprofit corporation act, 1982 PA 162, MCL
13 450.2101 to 450.3192, providing products from regulated sources
14 only for their own use.

15 (d) Nonprofit cooperatives in compliance with the nonprofit
16 corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, that are
17 growers selling unprocessed products of their own production or ~~are~~
18 producers selling unprocessed products of their own production from
19 regulated sources.

20 (e) Retail outlets for the sale of prepackaged honey or maple
21 syrup produced in this state if the outlet is operated by the
22 producer and the processing facility is licensed under this act.
23 Both retail outlets and processing facilities are exempt from
24 licensure under this act for producers with gross sales ~~of~~
25 ~~\$15,001.00 or less that do not exceed the gross sale limitation for~~
26 **cottage food products described in section 4102(5) ~~of~~ for honey or**
27 **maple syrup. In such case, If both the retail outlet and processing**
28 **facility are exempt from licensure under this subdivision, the**
29 **honey and maple syrup ~~shall~~ must have labeling a label that is**

1 substantially similar to ~~that~~ **the label** for cottage food products
2 as described in section 4102(3).

3 (f) A temporary food establishment with no food preparation
4 using only single-service articles and serving only non-
5 potentially-hazardous food or beverage.

6 (g) A retail food establishment that does both of the
7 following:

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

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

11 (h) A mobile food establishment, such as an ice cream truck,
12 that offers only prepackaged, single-serving frozen desserts.

13 (i) An event not open to the general public held by a
14 nonprofit trade association representing food establishments,
15 suppliers, or manufacturers where limited food preparation takes
16 place for the purpose of advertising, displaying, promoting, and
17 sampling prepared food.

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

27 (k) A person ~~owning~~ **that owns** or ~~operating~~ **operates** a device
28 that dispenses only bottled or canned soft drinks; other packaged
29 nonperishable foods or beverages; or bulk gum, nuts, and panned

1 candies.

2 (l) Feeding operations set up in response to an emergency or
3 disaster.

4 (m) A person ~~operating~~**that operates** as a food warehouse or
5 food processor, if the food warehouse or food processor contains or
6 handles only uncut fruits or vegetables, or both, and meets all of
7 the following criteria:

8 (i) The establishment is owned and operated by the person
9 producing the fruits or vegetables, or both.

10 (ii) Activities at the establishment are limited to storing,
11 grading, sorting, packing, washing, trimming, and refrigerating.

12 (iii) The fruits or vegetables, or both, are primarily from the
13 person's own production, and the balance are products of the same
14 genus or genera from other agricultural producers.

15 (iv) The food is not "potentially hazardous food
16 (time/temperature control for safety food)" as defined in the food
17 code.

18 (2) Notwithstanding subsection (1) (a), a person ~~operating~~**that**
19 **operates** as or ~~conducting~~**conducts** activities the director
20 considers to be a food establishment must be licensed in the
21 appropriate category under this act.

22 (3) If food is prepared in a food service establishment
23 licensed under this chapter and the food is transported from the
24 food service establishment to a fixed temporary serving location,
25 the serving location is not required to be separately licensed and
26 is considered an extension of the food service establishment if no
27 food preparation is conducted at the serving location and the food
28 is transported and served by employees of the food service
29 establishment.

1 (4) If prepackaged food is transported from a food
2 establishment licensed under this chapter to a sales location at a
3 farmers' market, fair, or festival, the sales location is not
4 required to be separately licensed and is considered an extension
5 of the food establishment if the food is transported and sold by
6 employees of the food establishment.

7 (5) If prepackaged food is transported from a food
8 establishment licensed under this chapter to 1 or more vending
9 machine locations by employees of the food establishment and the
10 vending machine or machines are maintained by employees of the food
11 establishment, the vending machine locations are not required to be
12 separately licensed and are considered to be an extension of the
13 food establishment, which ~~shall~~**must** be separately licensed.
14 However, if the food establishment from which the prepackaged food
15 is transported is located in another state, both of the following
16 apply:

17 (a) One of the vending machine locations in this state ~~shall~~
18 **must** be separately licensed as a food establishment.

19 (b) The remaining vending machine locations in this state are
20 not required to be separately licensed and are considered to be an
21 extension of the food establishment under subdivision (a).