

FOOD LAW (EXCERPT)
Act 92 of 2000

***** 289.1111.amended THIS AMENDED SECTION IS EFFECTIVE SEPTEMBER 19, 2016 *****

289.1111.amended Definitions; R to W.

Sec. 1111. As used in this act:

(a) "Raw agricultural commodity" means any food in its raw or natural state including fruits that are washed, colored, or otherwise treated in their unpeeled natural form before marketing.

(b) "Regulatory authority" means the department, the local health department, or the authorized representative having jurisdiction over the food establishment.

(c) "Retail food establishment" means an operation that sells or offers to sell food directly to a consumer. Retail food establishment includes both a retail grocery and a food service establishment, but does not include a food processor.

(d) "Retail grocery" means an operation that sells or offers to sell food to consumers for off-premises consumption. Food for off-premises consumption does not include take-out food intended for immediate consumption.

(e) "Rules" means administrative rules promulgated under this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(f) "Shellfish dealer" means an interstate wholesaler handling shellfish.

(g) "Shellfish dealer certification" means the issuance of a numbered certificate to a person indicating that the person is in compliance with the requirements of the guide for the control of molluscan shellfish and that the person has permission from the department to conduct 1 or more of the following shellfish activities, as defined in the guide for the control of molluscan shellfish:

(i) Shellstock shipper.

(ii) Shucker packer.

(iii) Repacker or reshipper.

(h) "Smoked fish rules" means R 285.569.1 to 285.569.19 of the Michigan Administrative Code.

(i) "Special transitory food unit" means a temporary food establishment that is licensed to operate throughout the state without the 14-day limits or a mobile food establishment that is not required to return to a commissary.

(j) "Staple foods" does not include accessory foods such as coffee, tea, cocoa, soda, noncarbonated drinks such as sports drinks, punches, and flavored waters, candy, condiments, spices, hot foods, or foods ready to go or made to take out, such as prepared sandwiches or salads.

(k) "Sulfiting agents" means any of the following:

(i) Sulfur dioxide.

(ii) Sodium sulfite.

(iii) Sodium bisulfite.

(iv) Potassium bisulfite.

(v) Sodium metabisulfite.

(vi) Potassium metabisulfite.

(l) "Temporary food establishment" means a food establishment that operates at a fixed location for a temporary period not to exceed 14 consecutive days.

(m) "Temporary license" means a written authorization issued by the director to operate for a specified limited time period.

(n) "Transient tenant" means a person who rents a room in a bed and breakfast for fewer than 30 consecutive days.

(o) "Trimming" means removing leaves, roots, and other extraneous materials in preparation for grading, sorting, and sale as a whole fruit or vegetable. Trimming does not remove the peel or core and does not further cut the whole fruit or vegetable.

(p) "U.S. standards for shell eggs" means "United States Standards, Grades, and Weight Classes for Shell Eggs", AMS 56 (July 20, 2000), United States Department of Agriculture.

(q) "Vending company base location" means a vending machine location or other food establishment required to be separately licensed under section 4105(5).

(r) "Vending machine" means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation. Vending machine does not include any of the following:

(i) A device that dispenses only bottled or canned soft drinks; other packaged nonperishable foods or beverages; or bulk ball gum, nuts, and panned candies.

(ii) A water-dispensing machine that is registered under chapter IV.

(s) "Vending machine location" means the room, enclosure, space, or area in which 1 or more vending machines are installed and operated.

(t) "Wholesale" means selling other than directly to consumers.

(u) "Wild game" means animals from their natural state and not cultivated, domesticated, or tamed.

History: 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2012, Act 178, Eff. Oct. 1, 2012;—Am. 2016, Act 188, Eff. Sept. 19, 2016.

Compiler's note: Sec. 1117 of Act 92 of 2000 provides:

"Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

"(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

"(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act."