

SUBSTITUTE FOR
HOUSE BILL NO. 4335

A bill to amend 2000 PA 92, entitled
"Food law,"
by amending sections 3113 and 6101 (MCL 289.3113 and 289.6101),
section 6101 as amended by 2012 PA 178.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3113. (1) A county, city, village, or township shall not
2 regulate those aspects of food service establishments or vending
3 machines ~~which~~ **THAT** are subject to regulation under this act except
4 to the extent necessary to carry out the responsibility of a local
5 health department to implement licensing provisions of chapter IV.
6 **IN ADDITION, A LOCAL UNIT OF GOVERNMENT MAY ADOPT AND ENFORCE AN**
7 **ORDINANCE THAT IS MORE RESTRICTIVE THAN SECTION 6-501.115(B)(6) OF**
8 **THE FOOD CODE AS SET FORTH IN SECTION 6101(1)(D).**

(2) This chapter does not relieve the applicant for a license or a licensee from responsibility for securing a local permit or complying with applicable local codes, regulations, or ordinances not in conflict with this act.

Sec. 6101. (1) Chapters 1 through 8 of the food code are incorporated by reference except as amended and modified as follows:

(a) Where provisions of this act and rules specify different requirements.

(b) Section 3-401.14 is modified to read as follows:

"3-401.14 Non-Continuous Cooking of Raw Animal Foods.

Raw animal foods that are cooked using a non-continuous cooking process shall be:

(A) Subject to an initial heating process that is no longer than 60 minutes in duration;^P

(B) Immediately after initial heating, cooled according to the time and temperature parameters specified for cooked potentially hazardous food (time/temperature control for safety food) under paragraph 3-501.14 (A);^P

(C) After cooling, held frozen or cold, as specified for potentially hazardous food (time/temperature control for safety food) under paragraph 3-501.16 (A) (2);^P

(D) Prior to sale or service, cooked using a process that heats all parts of the food to a time/temperature specified in paragraph 3-401.11 (A);^P

(E) Cooled according to the time and temperature parameters specified for cooked potentially hazardous food (time/temperature

control for safety food) under paragraph 3-501.14(A) if not either hot held as specified under paragraph 3-501.16(A), served immediately, or held using time as a public health control as specified under section 3-501.19 after complete cooking;^P and

(F) Stored as follows:

(1) After initial heating but prior to cooking as specified under paragraph (D) of this section, separate from ready-to-eat foods as specified under paragraph 3-302.11;^{Pf} and

(2) After initial heating, but prior to complete cooking, marked or otherwise identified as foods that must be cooked as specified under paragraph (D) of this section prior to being offered for sale or service.^{Pf} The food may be identified in any effective manner provided that the marking system is disclosed to the regulatory authority upon request."

(c) Section 2-103.11(L) is modified to read as follows:

"Employees are properly trained in food safety as it relates to their assigned duties;^{Pf} and".

(D) SECTION 6-501.115(B) IS MODIFIED BY THE ADDITION OF SUBPARAGRAPH (6) THAT READS AS FOLLOWS:

"(6) A DOG THAT IS CONTROLLED BY A CUSTOMER IN AN OUTDOOR DINING AREA OF A FOOD SERVICE ESTABLISHMENT IF ALL OF THE FOLLOWING APPLY:

(A) A HEALTH OR SAFETY HAZARD WILL NOT RESULT FROM THE PRESENCE OR ACTIVITIES OF THE DOG.

(B) ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

(I) THE DOG DOES NOT PASS THROUGH THE INTERIOR OF THE FOOD ESTABLISHMENT OR ANY PLAYGROUND AREA OF THE FOOD ESTABLISHMENT IN

1 ORDER TO ENTER THE OUTDOOR DINING AREA. A SEPARATE ENTRANCE SHALL
2 BE PROVIDED FROM THE EXTERIOR OF THE FOOD ESTABLISHMENT TO THE
3 OUTDOOR DINING AREA.

4 (II) THE OUTDOOR DINING AREA IS MAINTAINED FREE OF VISIBLE DOG
5 HAIR, DOG DANDER, AND OTHER DOG-RELATED WASTE AND DEBRIS. THE
6 OUTDOOR DINING AREA SHALL BE CLEANED AND DISINFECTED APPROPRIATELY
7 AS NEEDED.

8 (III) SURFACES CONTAMINATED BY THE WASTE CREATED FROM THE
9 DOG'S BODILY FUNCTIONS ARE IMMEDIATELY CLEANED AND DISINFECTED.

10 (IV) EQUIPMENT USED TO CLEAN AND THAT COMES IN CONTACT WITH
11 WASTE FROM A DOG'S BODILY FUNCTIONS SHALL BE STORED SEPARATE FROM
12 ALL OTHER CLEANING EQUIPMENT AND NOT USED FOR OTHER CLEANING
13 PURPOSES.

14 (V) ALL DOG WASTE IS DISPOSED OF AT LEAST DAILY
15 OUTSIDE OF THE FOOD ESTABLISHMENT IN A COVERED WASTE RECEPTACLE.

16 (VI) AN EMPLOYEE WHO TOUCHES THE DOG OR CLEANS WASTE FROM THE
17 DOG'S BODILY FUNCTIONS DOES NOT SERVE FOOD OR BEVERAGES OR HANDLE
18 TABLEWARE UNTIL THE EMPLOYEE HAS WASHED HIS OR HER HANDS.

19 (VII) THE DOG IS NOT ALLOWED ON A SEAT, CHAIR, OR
20 CUSTOMER'S LAP, OR ALLOWED TO CONTACT A TABLETOP, COUNTERTOP, OR
21 SIMILAR SURFACE IN THE OUTDOOR DINING AREA.

22 (VIII) THE DOG IS NOT ALLOWED TO CONTACT REUSABLE TABLEWARE
23 UNLESS THE TABLEWARE IS DEDICATED TO USE BY DOGS AND READILY
24 DISTINGUISHABLE AS SUCH OR IS PROVIDED BY THE PERSON HANDLING THE
25 DOG.

26 (C) THE FOOD SERVICE ESTABLISHMENT MAINTAINS AT THE FOOD
27 ESTABLISHMENT AND MAKES AVAILABLE TO THE REGULATORY AUTHORITY OR A

1 CUSTOMER UPON REQUEST WRITTEN PROCEDURES THAT ENSURE COMPLIANCE
2 WITH THE REQUIREMENTS OF SUB-SUBPARAGRAPH (B) .

3 (D) A SIGN WITH LETTERS LARGE ENOUGH TO BE EASILY LEGIBLE TO
4 THE AVERAGE PERSON FROM A DISTANCE OF 8 FEET SHALL BE POSTED AT
5 PUBLIC ENTRANCES OF THE FOOD ESTABLISHMENT. THE SIGN SHALL STATE:
6 "DOG FRIENDLY OUTDOOR DINING AREA - DOG ACCESS ONLY THROUGH OUTDOOR
7 DINING AREA" OR SIMILAR WORDING."

8 (2) The director, by rule, may adopt any changes or updates to
9 the food code.

10 (3) The annexes of the food code are considered persuasive
11 authority for interpretation of the food code.