

SUBSTITUTE FOR
HOUSE BILL NO. 4017

A bill to amend 2000 PA 92, entitled
"Food law,"
(MCL 289.1101 to 289.8111) by amending the title and by adding
section 5104.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

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An act to codify the licensure and regulation of certain
persons engaged in processing, manufacturing, production, packing,
preparing, repacking, canning, preserving, freezing, fabricating,
storing, selling, serving, or offering for sale food or drink for
human consumption; to prescribe powers and duties of the department
of agriculture **AND RURAL DEVELOPMENT**; to provide for delegation of
certain powers and duties to certain local units of government; to

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1 provide exemptions; to regulate the labeling, manufacture,
2 distribution, and sale of food for protection of the consuming
3 public and to prevent fraud and deception by prohibiting the
4 misbranding, adulteration, manufacture, distribution, and sale of
5 foods in violation of this act; to provide standards for food
6 products and food establishments; **TO PROVIDE FOR IMMUNITY TO**
7 **CERTAIN PERSONS UNDER CERTAIN CIRCUMSTANCES;** to provide for
8 enforcement of the act; to provide penalties and remedies for
9 violation of the act; to provide for fees; to provide for
10 promulgation of rules; and to repeal acts and parts of acts.

11 **SEC. 5104. (1) A RETAIL FOOD ESTABLISHMENT, FARMER,**
12 **WHOLESALE, WHOLESALE PROCESSOR, DISTRIBUTOR, OR OTHER PERSON WHO**
13 **DONATES FOOD FOR USE OR DISTRIBUTION BY A NONPROFIT ORGANIZATION OR**
14 **NONPROFIT CORPORATION, AND A NONPROFIT ORGANIZATION OR NONPROFIT**
15 **CORPORATION THAT COLLECTS DONATED FOOD AND DISTRIBUTES THAT FOOD TO**
16 **ANOTHER NONPROFIT ORGANIZATION OR NONPROFIT CORPORATION FREE OF**
17 **CHARGE OR FOR A NOMINAL FEE, IS NOT SUBJECT TO ANY CRIMINAL**
18 **LIABILITY UNDER THIS ACT OR ANY CIVIL LIABILITY RESULTING FROM THE**
19 **NATURE, AGE, CONDITION, OR PACKAGING OF THE FOOD UNLESS THE DONOR**
20 **OR NONPROFIT ORGANIZATION OR NONPROFIT CORPORATION KNEW OR**
21 **REASONABLY SHOULD HAVE KNOWN WHEN IT DONATED OR DISTRIBUTED THE**
22 **FOOD THAT THE FOOD WAS ADULTERATED OR NOT FIT FOR HUMAN**
23 **CONSUMPTION.**

24 **(2) A NONPROFIT ORGANIZATION OR NONPROFIT CORPORATION THAT**
25 **SERVES DONATED FOOD DESCRIBED UNDER SUBSECTION (1) SHALL EMPLOY OR**
26 **DESIGNATE AS A FOOD SAFETY MANAGER AN INDIVIDUAL WHO IS CERTIFIED**
27 **UNDER A PERSONNEL CERTIFICATION PROGRAM DESCRIBED IN SECTION**

1 2129 (1) AND (5) .