

HOUSE BILL No. 4662

May 21, 1987, Introduced by Reps. Gagliardi, Bartnik, Alley, Pridnia and Allen and referred to the Committee on Tourism and Recreation.

A bill to amend section 12901 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

as amended by Act No. 29 of the Public Acts of 1985, being section 333.12901 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 12901 of Act No. 368 of the Public Acts
2 of 1978, as amended by Act No. 29 of the Public Acts of 1985,
3 being section 333.12901 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 12901. (1) As used in this part:

6 (A) "BED AND BREAKFAST" MEANS A PRIVATE RESIDENCE THAT
7 OFFERS SLEEPING ACCOMMODATIONS TO LODGERS IN 14 OR FEWER ROOMS
8 FOR RENT, IS THE INNKEEPER'S RESIDENCE IN WHICH THE INNKEEPER

1 RESIDES WHILE RENTING THE ROOMS TO LODGERS, AND SERVES BREAKFASTS
2 AT NO EXTRA COST TO ITS LODGERS.

3 (B) "CONTINENTAL BREAKFAST" MEANS THE SERVING OF ONLY NONPO-
4 TENTIALLY HAZARDOUS FOOD IN THE FORM OF A ROLL, PASTRY OR DOUGH-
5 NUT, FRUIT JUICE, HOT BEVERAGE, OR INDIVIDUAL PORTIONS OF MILK.

6 (C) ~~(a)~~ "Food service establishment" means a fixed or
7 mobile restaurant, coffee shop, cafeteria, short order cafe, lun-
8 cheonette, grill, tearoom, sandwich shop, soda fountain, tavern,
9 bar, cocktail lounge, nightclub, drive-in, industrial feeding
10 establishment, private organization serving the public, rental
11 hall, catering kitchen, delicatessen, theater, commissary, or
12 similar place in which food or drink is prepared for direct con-
13 sumption through service on the premises or elsewhere, and any
14 other eating or drinking establishment or operation where food is
15 served or provided for the public. Food service establishment
16 does not apply to any of the following:

17 (i) An inpatient food service operation located in a health
18 facility or agency subject to licensure under article 17.

19 (ii) Unless the establishment is carrying out operations
20 beyond the scope of its license, an establishment licensed and
21 inspected under any of the following acts:

22 <u>Year of Act</u>	<u>Public Act No.</u>	<u>Compiled Law Numbers</u>
23 1913	222	288.101 to 288.117
24 1963	244	289.321 to 289.336
25 1965	233	288.21 to 288.29a

1	1965	280	287.571 to 287.582
2	1968	298	288.321 to 288.334
3	1978	328	289.801 to 289.810

4 (iii) A motel that serves continental breakfasts only.

5 (iv) A food concession at a state or county fair.

6 (v) A charitable, religious, fraternal, or other nonprofit
7 organization operating a home-prepared baked goods sale or serv-
8 ing only home-prepared food in connection with its meetings or as
9 part of a fund raising event.

10 (vi) A food establishment that is licensed and inspected
11 under the food processing act of 1977, Act No. 328 of the Public
12 Acts of 1978, being sections 289.801 to 289.810 of the Michigan
13 Compiled Laws, even if the food establishment sells for consump-
14 tion off the premises, in a volume incidental to the total volume
15 of the food establishment, any of the following:

16 (A) Prepackaged food that is offered for sale in individual
17 portions that do not require preparation in the food establish-
18 ment except for temperature modification. As used in this sub-
19 paragraph, "prepackaged food" means food that is prepared and
20 packaged either at a facility inspected and approved by the
21 United States department of agriculture or a facility that is
22 licensed as a food processor under the food processing act of
23 1977, Act No. 328 of the Public Acts of 1978.

24 (B) Food that is prepared at the food establishment, dis-
25 played in bulk form for sale, and sold in quantities other than
26 individual portions.

1 (C) Beverages, including, but not limited to, hot chocolate,
2 coffee, tea, slush, and soda pop.

3 (D) Hand dipped ice cream.

4 (E) Rotisserie prepared hot dogs.

5 (F) Other foods as determined by the director or his or her
6 representative, in conjunction with the director of the depart-
7 ment of agriculture or his or her representative.

8 (vii) A bakery that is licensed and inspected under the food
9 processing act of 1977, Act No. 328 of the Public Acts of 1978,
10 even if the bakery sells hot or cold beverages or temperature
11 modified bakery products, in a volume incidental to the total
12 volume of business of the bakery.

13 (viii) An establishment otherwise within the scope of this
14 act which is licensed and inspected by the department of agricul-
15 ture, if the manner of licensing and inspection is mutually
16 agreed upon by the director and the director of the department of
17 agriculture or their designated representatives.

18 (ix) A BED AND BREAKFAST THAT HAS 8 OR FEWER ROOMS FOR
19 RENT.

20 (x) A BED AND BREAKFAST THAT HAS AT LEAST 9 BUT FEWER THAN
21 15 ROOMS FOR RENT, IF THE BED AND BREAKFAST SERVES CONTINENTAL
22 BREAKFASTS ONLY.

23 (D) "LODGER" MEANS A PERSON WHO RENTS A ROOM IN A BED AND
24 BREAKFAST FOR FEWER THAN 30 CONSECUTIVE DAYS.

25 (E) ~~(b)~~ "Person" means a person as defined in section 1106
26 or a governmental entity.

1 (F) ~~(c)~~ "Temporary food service establishment" means a
2 food service establishment which operates at a fixed location for
3 a temporary period of time, not to exceed 2 weeks, in connection
4 with a carnival, circus, public exhibition, or similar transitory
5 gathering.

6 (G) ~~(d)~~ "Transitory food unit" means a food service estab-
7 lishment that operates from and is regularly transported by a
8 motor vehicle, and which does not regularly return to a fixed
9 food service establishment licensed by the department for servic-
10 ing and maintenance.

11 (H) ~~(e)~~ "Vending machine" means a self-service device
12 offered for public use which, upon insertion of a coin or token,
13 or by other similar means, dispenses unit servings of food or
14 beverages without the necessity of replenishing the device
15 between each vending operation. The term does not mean a device
16 which dispenses only bottled or canned soft drinks; other pack-
17 aged nonperishable foods or beverages; or bulk ball gum, nuts,
18 and panned candies.

19 (I) ~~(f)~~ "Vending machine location" means the room, enclo-
20 sure, space, or area where 1 or more vending machines are
21 installed and operated.

22 (2) In addition, article 1 contains general definitions and
23 principles of construction applicable to all articles in this
24 code.

25 Section 2. This amendatory act shall not take effect unless
26 all of the following bills of the 84th Legislature are enacted
27 into law:

1 (a) Senate Bill No. _____ or House Bill No. 4663 (request
2 no. 00867'87 a*).

3 (b) Senate Bill No. _____ or House Bill No. 4664 (request
4 no. 00867'87 b*).

5 (c) Senate Bill No. _____ or House Bill No. 4661 (request
6 no. 00867'87 c*).

7 (d) Senate Bill No. _____ or House Bill No. 4665 (request
8 no. 01251'87).