

HOUSE BILL No. 5418

December 17, 1991, Introduced by Rep. Kosteva and referred to the Committee on Public Health.

A bill to amend section 12904 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

as amended by Act No. 209 of the Public Acts of 1988, being section 333.12904 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 12904 of Act No. 368 of the Public Acts
2 of 1978, as amended by Act No. 209 of the Public Acts of 1988,
3 being section 333.12904 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 12904. (1) A person shall not operate a food service
6 establishment, transitory food unit, temporary food service
7 establishment, or vending machine location in this state without
8 a license issued by the department. This part does not apply to

1 an establishment which complies with section 20132(3), except as
2 provided in that section.

3 (2) Application for ~~the~~ A license shall be upon ~~the~~
4 forms PROVIDED BY THE DEPARTMENT and shall contain the reasonable
5 information required by the department. IF THE APPLICANT IS
6 DOING BUSINESS UNDER AN ASSUMED NAME, THE APPLICANT SHALL PROVIDE
7 A COPY OF THE CERTIFICATE OF ASSUMED NAME ISSUED TO THAT PERSON
8 BY THE COUNTY IN WHICH THE LICENSED ACTIVITY WILL TAKE PLACE. The
9 application for license shall be accompanied by the fees pre-
10 scribed in section 12906. Application for a license shall be
11 submitted to the local health department having jurisdiction
12 prior to May 1 each year. The local health department shall for-
13 ward the applications to the department with appropriate
14 recommendations.

15 (3) A license, other than a license for a temporary food
16 service establishment, ~~shall expire~~ EXPIRES at midnight on
17 April 30 each year. A temporary food service establishment shall
18 be issued a license for the period of time the establishment will
19 be operated at a specified location, ONLY UNDER EITHER OF THE
20 FOLLOWING CIRCUMSTANCES:

21 (A) THE APPLICANT HAS NOT BEEN ISSUED A TEMPORARY FOOD SERV-
22 ICE ESTABLISHMENT LICENSE WITHIN A 5-YEAR PERIOD IMMEDIATELY PRE-
23 CEDING THE DATE OF THE APPLICATION.

24 (B) THE APPLICANT MEETS THE REQUIREMENTS FOR A LICENSE TO
25 OPERATE A FOOD SERVICE ESTABLISHMENT IN ADDITION TO MEETING THE
26 REQUIREMENTS FOR A LICENSE TO OPERATE A TEMPORARY FOOD SERVICE
27 ESTABLISHMENT.

1 (4) When separate areas for food service or preparation are
2 located in 1 building and are operated under 1 management, the
3 arrangement shall be considered as 1 establishment and only 1
4 license shall be required. If multiple vending machine locations
5 are operated by the same person within the jurisdiction of the
6 local health department, a single license application for those
7 vending machine locations may be permitted.

8 (5) The current license for a food service establishment,
9 transitory food unit, or temporary food service establishment
10 shall be posted in a conspicuous place in the establishment to
11 which the license applies. In the case of vending machines, the
12 name and address and telephone number of the current vending
13 machine location operator shall be conspicuously displayed on
14 each vending machine.

15 (6) The owner or operator of a food service establishment
16 shall notify the local health department before there is a change
17 of ownership of the food service establishment. A license issued
18 under this part is not transferable as to person or place.

19 (7) If food is prepared in a food service establishment
20 licensed pursuant to this part and the food is transported from
21 the establishment to a fixed, temporary serving location, the
22 serving location is not required to be separately licensed and
23 shall be considered an extension of the establishment if the food
24 is transported and served by employees of the establishment and
25 if no food preparation is conducted at the fixed, temporary serv-
26 ing location.