



SENATE BILL No. 79

January 13, 1993, Introduced by Senator MC MANUS and referred to the Committee on Agriculture and Forestry.

A bill to amend sections 2 and 3 of Act No. 328 of the Public Acts of 1978, entitled "Food processing act of 1977," section 2 as amended by Act No. 200 of the Public Acts of 1984 and section 3 as amended by Act No. 131 of the Public Acts of 1986, being sections 289.802 and 289.803 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 3 of Act No. 328 of the Public
2 Acts of 1978, section 2 as amended by Act No. 200 of the Public
3 Acts of 1984 and section 3 as amended by Act No. 131 of the
4 Public Acts of 1986, being sections 289.802 and 289.803 of the
5 Michigan Compiled Laws, are amended to read as follows:

6 Sec. 2. As used in this act:

1 (a) "Department" means the department of agriculture.

2 (b) "Director" means the director of the department of
3 agriculture.

4 (c) "Food" means items used for human consumption and the
5 components of those items, but does not include alcoholic bever-
6 ages, drugs, or medicines.

7 (d) "Person" means an individual, partnership, firm, or cor-
8 poration operating within the state.

9 (e) "Certified health department" means ~~any~~ A county, dis-
10 trict, or city health department ~~which~~ THAT meets the criteria
11 for certification of health departments ~~as~~ established by rule
12 PURSUANT TO SECTION 5, and ~~which~~ THAT is authorized by the
13 director to enforce ~~the provisions of~~ this act and ~~the provi-~~
14 ~~sions of~~ any rules ~~as provided for in~~ PROMULGATED PURSUANT TO
15 section 5.

16 (f) "Grocery items" means prepackaged foods that are offered
17 for sale for other than immediate consumption. Grocery items
18 does not include comminuted meats.

19 Sec. 3. (1) ~~Before~~ EXCEPT AS PROVIDED IN SECTION 7,
20 BEFORE a person engages in processing, packing, repacking, can-
21 ning, preserving, freezing, fabricating, storing, selling, or
22 ~~the offering for sale of~~ TO SELL food, the person shall
23 obtain a license from the department for each establishment oper-
24 ated by that person at which those activities occur. Only 1
25 license is required for A SINGLE LOCATION AT WHICH a combination
26 of the ~~above enumerated~~ operations ~~at a single location~~
27 DESCRIBED IN THIS SUBSECTION OCCUR.

1 (2) A license expires annually on March 31 and shall be
2 renewed before April 1 of each year unless suspended, denied, or
3 revoked by the department.

4 (3) ~~The fee for a license is \$15.00 for each year or per-~~
5 ~~tion of a year.~~ THE DEPARTMENT SHALL IMPOSE THE FOLLOWING
6 LICENSE FEES FOR EACH YEAR OR PORTION OF A YEAR:

7 (A) TWENTY-FIVE DOLLARS FOR EACH OF THE FOLLOWING:

8 (i) A FOOD CONCESSION AT A STATE OR COUNTY FAIR.

9 (ii) AN ESTABLISHMENT AT WHICH A LICENSEE PRIMARILY ENGAGES
10 IN PROCESSING, PACKING, REPACKING, CANNING, PRESERVING, FREEZING,
11 OR FABRICATING FOOD HARVESTED BY THE LICENSEE.

12 (iii) AN ESTABLISHMENT THAT HAS AN AREA OF 1,000 SQUARE FEET
13 OR LESS OPEN TO THE PUBLIC AT WHICH ACTIVITIES DESCRIBED IN
14 SUBSECTION (1) OCCUR.

15 (B) FIFTY DOLLARS FOR ALL OTHER ESTABLISHMENTS AT WHICH
16 ACTIVITIES DESCRIBED IN SUBSECTION (1) OCCUR.

17 (4) Beginning January 1, 1987, ~~a late fee shall be imposed~~
18 ~~by the department. The late fee~~ THE DEPARTMENT SHALL IMPOSE,
19 for a renewal application postmarked or delivered in person
20 beginning April 1 of each year, ~~shall be~~ A LATE FEE OF an addi-
21 tional \$10.00 for each business day the application is late. The
22 late fee for a new application submitted after the establishment
23 has opened for business ~~shall be~~ IS an additional \$10.00 for
24 each business day the application is late. A late fee shall not
25 exceed \$100.00. A license shall not be issued or renewed until
26 the fee and any late fee which is due has been paid. A hearing
27 ~~shall~~ IS not ~~be~~ required ~~prior to~~ BEFORE refusal to issue

1 or renew a license under this ~~subsection~~ SECTION. The
2 department may waive the late fee for producers of maple syrup,
3 honey, and other seasonal agricultural products ~~provided~~ IF the
4 license application is submitted not less than 30 days before
5 ~~engaging~~ THE APPLICANT ENGAGES in ~~the~~ processing, packing,
6 freezing, storing, selling, or offering for sale the food or
7 drink. The fee shall be retained by any certified health depart-
8 ment or in an area where there is no certified health department
9 by the department. Fees collected shall be used for administra-
10 tive and enforcement needs of this act.

11 (5) ~~(4)~~ An application for a license shall be made to the
12 department or to a certified health department upon a form fur-
13 nished by the department. The completed form shall contain the
14 information requested by the department and shall be accompanied
15 by the fee specified in subsection (3), AND, IF APPLICABLE, SUB-
16 SECTION (4).

17 (6) ~~(5)~~ A city, county, or other local unit of government
18 shall not impose licensing provisions for persons REGULATED under
19 this act.

20 (7) ~~(6)~~ A license shall not be granted under this act to a
21 person engaged in the canning, preserving, or freezing of fruits
22 and vegetables unless the licensee or applicant for a license has
23 reimbursed producers for fruits and vegetables purchased within
24 the previous calendar year, unless otherwise provided by written
25 contract.