



House  
Legislative  
Analysis  
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## FISHING GUIDE SERVICE

House Bill 4571 as introduced  
First Analysis (5-18-95)

Sponsor: Rep. William Bobier  
Committee: Health Policy

### ***THE APPARENT PROBLEM:***

Many people who enjoy fishing, particularly Great Lakes fishing, sometimes will hire a fishing guide to help them navigate Great Lakes waters and locate and catch fish. Charter fishing boat businesses vary in size and the type of services they provide, but most of them usually offer some kind of meal or meals which they serve their clients while out on the water. (A fishing excursion of this sort can last several hours out on the water.) Many times the meals provided include a sack lunch, drink, or perhaps some hot soup for colder days on the water. Regardless of the type of meal served, however, such businesses are currently in violation of the Public Health Code if they provide food without first having obtained a food preparation license (which at present costs \$15.68 and requires a thorough food service inspection from the Department of Public Health). Some people feel that because most fishing charters only provide a basic lunch to a limited number of clients, they should not be subject to the act's food preparation licensing requirements.

### ***THE CONTENT OF THE BILL:***

House Bill 4571 would amend a section of the Public Health Code that defines terms related to food service establishments. The bill would add a section to define fishing guide services and exclude them from the definition of a food service establishment (thus exempting such establishments from licensing requirements).

Under the bill, a commercial fishing guide service would be defined as a for-fee service, whether paid directly or indirectly, "assisting another person in pursuing, capturing, catching, killing, taking, or attempting to take fish." The bill would apply to commercial fishing services providing lunches to 12 or fewer clients whether on or adjacent to a body of water, river, or stream.

MCL 333.12901

### ***FISCAL IMPLICATIONS:***

The House Fiscal Agency says the bill would have minimal fiscal implications to the state, which would depend on the number of commercial fishing guide service providers in existence upon the bill's effective date. (5-15-95)

According to the Department of Public Health, the bill has no fiscal implications. (5-18-95)

### ***ARGUMENTS:***

#### ***For:***

The bill would simply provide an exemption from food preparation licensing requirements for persons who operate charter fishing boat businesses and who also provide a sack lunch or a hot meal (perhaps homemade soup or spaghetti) and some canned pop or beer to their clients for eating while fishing. It was recently discovered that charter boat operators who provide any kind of prepared food, even if it's just sandwiches which they themselves make and which are usually kept in a cooler or on-board refrigerator, are in technical violation of the Public Health Code's food preparation licensing requirements. But since most charter boats usually do not serve more than 12 people at once, and because there haven't been any reported problems with food poisoning from clients who have eaten meals served by them, it makes sense that those who operate them who also serve such minor meals should not be subject either to the \$15.68 food preparation licensing fee or to the hardship of having to be inspected by public health officials--just to ensure their food preparation facilities (i.e., their kitchens at home) are sanitary.

#### ***Against:***

If this exception is granted, no doubt other types of small businesses will come forward asking for exceptions, also. The purpose of these provisions is to reduce the risk of food-borne illness, and state and local health officials should be able to inspect any businesses or organizations that provide

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prepared food to the public, regardless of the size of the operation. (Even mobile and vending food services are subject to inspection.) An exemption of this kind would pose a potential risk to the public, however small. At the very least, the bill should prohibit serving food that meets the statutory definition of "potentially hazardous", and require that food packed for consumption later in the day be kept properly refrigerated or heated.

***Response:***

The statute already contains exemptions for bed and breakfast establishments, and perhaps further reasonable exceptions are justified.

***POSITIONS:***

The Michigan Boating Industries Association supports the bill. (5-17-95)

The Department of Public Health has no position on the bill. (5-18-95)