



**Senate Fiscal Agency**  
**P. O. Box 30036**  
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BILL



ANALYSIS

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House Bill 4571 (as reported without amendment)  
Sponsor: Representative William Bobier  
House Committee: Health Policy  
Senate Committee: Health Policy and Senior Citizens

Date Completed: 6-1-95

### **RATIONALE**

The Public Health Code provides for the licensing and regulation of food service establishments. A food service establishment, as defined under the Code, includes a fixed or mobile restaurant, coffee shop, cafeteria, grill, sandwich shop, bar, catering kitchen, theater "and any other eating and drinking establishment or operation where food is served and provided for the public". A food service establishment is prohibited from operating without a license, and a license can be denied, suspended, limited, or revoked if an applicant or licensee fails to comply with the regulations prescribed in the Code and the rules promulgated under it. It has been pointed out that some fishing guide services may be in violation of the Code.

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 usually serve some kind of meal to their customers because a fishing excursion can last several hours. Many times the meal includes a sack lunch, drink, or perhaps some hot soup for colder days. Regardless of the type of meal served, however, these businesses are 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 compliance with food service inspection regulations. Currently, the Code contains a list of establishments, such as a bed and breakfast, that are not considered a "food service establishment" and are therefore not subject to the Code's licensing and regulation provisions. Some people feel that since fishing charters generally only provide a basic lunch to a limited number of clients, they too should be

exempt from being considered a food service establishment.

### **CONTENT**

The bill would amend the Public Health Code to provide that "food service establishment" would not include a commercial fishing guide service that served lunch to a party of not more than 12 clients on or adjacent to a body of water, river, or stream while pursuing, capturing, catching, killing, taking, or attempting to take fish. A "commercial fishing guide service" would be a service provided for a fee or other consideration of value, regardless of whether the fee or consideration was paid directly or indirectly, to assist another person in pursuing or catching fish.

MCL 333.12901

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

The bill simply would provide an exemption from food preparation licensing requirements for charter fishing boat businesses or fishing guide services that typically provide a sack lunch or a hot meal (perhaps homemade soup or spaghetti) and some canned pop to their clients for eating while fishing. It was recently pointed out that charter boat operators who provide any kind of prepared food, even if it's just sandwiches that they themselves make and that are usually kept in a cooler or on-board refrigerator, are in technical violation of the Code's food preparation licensing requirements.

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 the boats not be subject to the Code's requirements.

Legislative Analyst: G. Towne

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: P. Graham

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.