

SUBSTITUTE FOR  
HOUSE BILL NO. 5071

A bill to amend 1968 PA 39, entitled  
"Michigan food law of 1968,"  
by amending sections 7 and 10 (MCL 289.707 and 289.710), as  
amended by 1982 PA 43.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 7. ~~The following acts or the causing of these acts~~  
2 ~~are prohibited~~ A PERSON SHALL NOT DO OR CAUSE TO BE DONE ANY OF  
3 THE FOLLOWING:  
4       (a) ~~The manufacture, sale or delivery, holding~~  
5 MANUFACTURE, SELL, DELIVER, HOLD, or ~~offering~~ OFFER for sale  
6 ~~of any food that is~~ adulterated or misbranded FOOD.  
7       (b) ~~The adulteration~~ ADULTERATE or ~~misbranding of any~~  
8 MISBRAND food.  
9       (c) ~~The receipt~~ RECEIVE in commerce ~~of any~~ food that is  
10 adulterated or misbranded, and ~~the delivery~~ DELIVER or

**HB5071, As Passed House, October 22, 1997**

House Bill No. 5071

2

1 ~~proffered~~ PROFFER THE delivery ~~thereof~~ OF THAT FOOD for pay  
2 or otherwise.

3 (d) ~~The sale, delivery~~ SELL, DELIVER for sale, ~~holding~~  
4 HOLD for sale, or ~~offering~~ OFFER for sale ~~of any~~ food in vio-  
5 lation of section 18.

6 (e) ~~The dissemination of any~~ DISSEMINATE A false  
7 advertisement.

8 (f) ~~The refusal~~ REFUSE to permit entry or inspection, or  
9 to permit the taking of a sample, as authorized by section 24.

10 (g) The giving of a guaranty or undertaking, which guaranty  
11 or undertaking is false, except by a person who relied on a guar-  
12 anty or undertaking to the same effect, signed by ~~—~~ and con-  
13 taining the name and address of the person from whom he or she  
14 received the food in good faith.

15 (h) ~~The removal~~ REMOVE or ~~disposal~~ DISPOSE of detained  
16 or embargoed food in violation of ~~sections~~ SECTION 11 or 12.

17 (i) ~~The alteration, mutilation, destruction, obliteration,~~  
18 ~~or removal of the whole~~ ALTER, MUTILATE, DESTROY, OBLITERATE, OR  
19 REMOVE ALL or ~~any~~ part of the ~~labeling of~~ LABEL, or ~~the~~  
20 ~~doing of~~ DO any other act with respect to a food, ~~if the act is~~  
21 ~~done~~ while the food is held for sale ~~and results~~ RESULTING in  
22 the food being adulterated or misbranded.

23 (j) ~~Forging, counterfeiting, simulating~~ FORGE, COUNTER-  
24 FEIT, SIMULATE, or falsely ~~representing~~ REPRESENT, or without  
25 proper authority ~~using~~ USE any mark, stamp, tag, label, or  
26 other identification device authorized or required by rules  
27 promulgated under ~~the provisions of~~ this act.

**HB5071, As Passed House, October 22, 1997**

House Bill No. 5071

3

1 (k) ~~Permitting~~ PERMIT filthy or ~~insanitary~~ UNSANITARY  
2 conditions to exist in ~~any~~ A food establishment in which food,  
3 intended for human consumption, is manufactured, received, kept,  
4 stored, sold, or offered for sale.

5 (l) FALSELY IDENTIFY A COUNTRY, STATE, OR OTHER PLACE OF  
6 ORIGIN OF FOOD ON A LABEL, TAG, OR OTHER DOCUMENT WITH INTENT TO  
7 DECEIVE OR DEFRAUD.

8 Sec. 10. (1) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (2), A  
9 person who violates ~~any provision of~~ this act or ~~of the rules~~  
10 A RULE promulgated under this act is guilty of a misdemeanor ~~and~~  
11 ~~shall be punished~~ PUNISHABLE by IMPRISONMENT FOR NOT MORE THAN  
12 93 DAYS OR BY a fine of not less than \$100.00 or more than  
13 \$1,000.00, ~~or imprisoned for not more than 90 days,~~ or both. A  
14 person ~~shall not be~~ IS NOT subject to the penalties PRESCRIBED  
15 UNDER THIS SECTION for having violated section 7(a) or (c) if he  
16 or she establishes a guaranty or undertaking signed by        and  
17 containing the name and address of        the person from whom he or  
18 she received in good faith the food, to the effect that the food  
19 is not adulterated or misbranded within the meaning of this act.  
20 ~~When~~ IF a violation of section 7(k) occurs ~~which~~ THAT is not  
21 suspected of threatening the safety of food intended for human  
22 consumption, the department shall provide a person owning or  
23 operating the food establishment a written report of the viola-  
24 tion before subjecting persons to the penalties provided in this  
25 act.

**HB5071, As Passed House, October 22, 1997**

House Bill No. 5071

4

- 1           (2) A PERSON WHO VIOLATES SECTION (7)(1) IS GUILTY OF A  
2 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR BY  
3 A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.  
4           (3) SUBSECTION (2) IS EFFECTIVE MARCH 1, 1998.