

Legislative Analysis



FOOD LAW: SCHOOL KITCHEN FEES PAID TO LOCAL HEALTH DEPARTMENTS

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House Bill 5951 as passed the House
Sponsor: Rep. Michael Sak
Committee: Agriculture

Complete to 7-23-08

A SUMMARY OF HOUSE BILL 5951 AS PASSED BY THE HOUSE 6-26-08

The bill would amend Section 3119 of the Food Law of 2000 (MCL 289.3119) to set a maximum fee that could be charged by local health departments for the licensing, inspection, and certification of school food service authorities recognized by the Michigan Department of Education. Until recently, schools were exempt from local and state fees under the Food Law, but had to comply with all other applicable requirements. In a recent update of the Food Law, Public Act 113 of 2007, the school exemption was eliminated.

Under House Bill 5951, as passed by the House, the local fees paid by schools could be no more than \$100 per year for a "main kitchen" and no more than \$50 per year for each "satellite" kitchen within a district.

[Note: A separate bill, House Bill 5992 would exempt schools from the state fee.]

FISCAL IMPACT:

A fiscal analysis is in process.

POSITIONS:

The School Nutrition Association of Michigan testified in support of the bill. (6-25-08)

The Grand Rapids Public Schools, Kent County Intermediate School District, and the Michigan Association of Intermediate School Districts, Region 8 indicated support of the bill. (6-25-08)

The Department of Agriculture indicated neutrality on the bill. (6-25-08)

The Michigan Restaurant Association indicated neutrality on the substitute. (6-25-08)

The Michigan Association of Counties has concerns about the substitute bill because the proposed cap does not come close to covering the cost of the minimum two inspections. (7-23-08)

The Michigan Association for Local Public Health (MALPH), representing local health departments, opposes the bill because it takes away the right of local health departments to set the amount of fees as they have in the past and because the fee would be capped at a level that is far less than the cost of inspections they are required to do (arguably in violation of the Headlee Amendment). MALPH says the bill could cost local health departments over \$600,000. (7-23-08)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.