

HOUSE BILL No. 5679

January 31, 2008, Introduced by Reps. Walker, Elsenheimer, Sheltroun, Palsrok, Hansen, Booher, Ball, Stahl and Mayes and referred to the Committee on Agriculture.

A bill to amend 2000 PA 92, entitled
"Food law of 2000,"
by amending section 1107 (MCL 289.1107).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1107. As used in this act:

2 (a) "Department" means the Michigan department of agriculture.

3 (b) "Director" means the director of the Michigan department
4 of agriculture or his or her designee.

5 (c) "Extended retail food establishment" means a retail
6 grocery that does both of the following:

7 (i) Serves or provides an unpackaged food for immediate
8 consumption.

9 (ii) Provides customer seating in the food service area.

10 (d) "Federal act" means the federal food, drug, and cosmetic
11 act, chapter 675, 52 Stat. 1040. ~~7, 21 U.S.C. 301 to 321, 331 to~~

1 ~~333, 334 to 343-3, 344 to 346a, 347, 348 to 356e, 358 to 360, 360b~~
2 ~~to 360dd, 360hh to 363, 371 to 376, and 378 to 397.~~

3 (e) "Food" means articles used for food or drink for humans or
4 other animals, chewing gum, and articles used for components of any
5 such article.

6 (f) "Food additive" means any substance, the intended use of
7 which, directly or indirectly, results in or may be reasonably
8 expected to result in its becoming a component or otherwise
9 affecting the characteristics of any food if that substance is not
10 generally recognized among experts as having been adequately shown
11 through scientific procedures to be safe under the conditions of
12 its intended use. Food additive includes any substance intended for
13 use in producing, manufacturing, packing, processing, preparing,
14 treating, packaging, transporting, or holding food and includes any
15 source of radiation intended for any use. Food additive does not
16 include any of the following:

17 (i) A pesticide chemical in or on a raw agricultural commodity.

18 (ii) A pesticide chemical to the extent that it is intended for
19 use or is used in the production, storage, or transportation of any
20 raw agricultural commodity.

21 (iii) A color additive.

22 (iv) Any substance used in accordance with a sanction or
23 approval granted before the enactment of the food additives
24 amendment of 1958, Public Law 85-929, ~~72 Stat. 1784~~, pursuant to
25 the federal act, the poultry products inspection act, Public Law
26 85-172, ~~71 Stat. 441, 21 U.S.C. 451 to 471~~, or the **FEDERAL** meat
27 inspection act of March 4, 1907, chapter 2907, 34 Stat. 1258.

1 (g) "Food code" means food code, 1999 recommendations of the
2 food and drug administration of the United States public health
3 service that regulates the design, construction, management, and
4 operation of certain food establishments.

5 (h) "Food concession" means a food storage, preparation, or
6 dispensing operation at a state or county fair.

7 (i) "Food establishment" means an operation where food is
8 processed, packed, canned, preserved, frozen, fabricated, stored,
9 prepared, served, sold, or offered for sale. Food establishment
10 includes a food processing plant, a food service establishment, and
11 a retail grocery. Food establishment does not include any of the
12 following:

13 (i) A charitable, religious, fraternal, or other nonprofit
14 organization operating a home-prepared baked goods sale or serving
15 only home-prepared food in connection with its meetings or as part
16 of a fund-raising event.

17 (ii) An inpatient food operation located in a health facility
18 or agency subject to licensure under article 17 of the public
19 health code, MCL 333.20101 to 333.22260.

20 (iii) A food operation located in a prison, jail, state mental
21 health institute, boarding house, fraternity or sorority house,
22 convent, or other facility where the facility is the primary
23 residence for the occupants and the food operation is limited to
24 serving meals to the occupants as part of their living arrangement.

25 (j) "Food processing plant" means a food establishment that
26 processes, manufactures, packages, labels, or stores food and does
27 not provide food directly to a consumer. **FOOD PROCESSING PLANT**

1 **INCLUDES ANY MAPLE SYRUP PRODUCER.**

2 (k) "Food service establishment" means a fixed or mobile
3 restaurant, coffee shop, cafeteria, short order cafe, luncheonette,
4 grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail
5 lounge, nightclub, drive-in, industrial feeding establishment,
6 private organization serving the public, rental hall, catering
7 kitchen, delicatessen, theater, commissary, or similar place in
8 which food or drink is prepared for direct consumption through
9 service on the premises or elsewhere, and any other eating or
10 drinking establishment or operation where food is served or
11 provided for the public. Food service establishment does not
12 include any of the following:

13 (i) A motel that serves continental breakfasts only.

14 (ii) A food concession.

15 (iii) A bed and breakfast that has 10 or fewer sleeping rooms,
16 including sleeping rooms occupied by the innkeeper, 1 or more of
17 which are available for rent to transient tenants.

18 (iv) A bed and breakfast that has at least 11 but fewer than 15
19 rooms for rent, if the bed and breakfast serves continental
20 breakfasts only.

21 (v) A child care organization regulated under 1973 PA 116, MCL
22 722.111 to 722.128, unless the establishment is carrying out an
23 operation considered by the director to be a food service
24 establishment.

25 (l) "Food warehouse" means a food establishment that stores or
26 distributes prepackaged food for wholesaling.