

HOUSE BILL No. 5951

April 8, 2008, Introduced by Rep. Sak and referred to the Committee on Agriculture.

A bill to amend 2000 PA 92, entitled
"Food law of 2000,"
by amending sections 2129 and 3119 (MCL 289.2129 and 289.3119),
as amended by 2007 PA 113.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2129. (1) Beginning June 30, 2009, the following food
2 establishments shall employ a minimum of 1 managerial employee
3 who is currently certified under a personnel certification
4 program accredited by the American national standards institute,
5 utilizing the conference for food protection standards:

6 (a) A food service establishment that is not any of the
7 following:

8 (i) A mobile food establishment.

1 (ii) Operating under a temporary food service establishment
2 license.

3 (iii) A special transitory food unit.

4 (iv) A vending machine location.

5 (b) An extended retail food establishment.

6 (c) The operation of a food service establishment within a
7 retail grocery.

8 (2) An individual certified under subsection (1) shall be
9 recognized with full faith and credit by the state and all local
10 units of government throughout the state.

11 (3) The department may promulgate rules to do all of the
12 following:

13 (a) By January 1, 2009, develop requirements for retail food
14 establishments to follow when employing certified food safety
15 managers or personnel.

16 (b) Set a reasonable date for compliance with the
17 requirements taking into consideration existing local personnel
18 certification requirements.

19 (c) Establish certification fees necessary to implement,
20 maintain, and track certified individuals directly or by
21 contract. The department may annually adjust the schedule of fees
22 to provide that the fee charged is sufficient to cover the cost
23 of the certification tracking program.

24 (d) Implement and enforce the requirements described in
25 subdivision (a).

26 (e) The certification program developed by the American
27 national standards institute, as it exists on ~~the effective date~~

1 of the amendatory act that added this section **APRIL 1, 2008**, is
2 incorporated by reference. The department may adopt updates to
3 the certification program accreditation standards in subsection
4 (1) by rule.

5 **(4) A SCHOOL FOOD SERVICE AUTHORITY RECOGNIZED BY THE**
6 **MICHIGAN DEPARTMENT OF EDUCATION SHALL DEMONSTRATE A MINIMUM OF**
7 **ANNUAL EMPLOYEE TRAINING OR CERTIFICATION, OR BOTH, ACCREDITED BY**
8 **SNAM STATEWIDE TRAINING PROGRAMMING OR SELF-SERVE PROGRAMMING, OR**
9 **BOTH.**

10 (5) ~~(4)~~ This section does not prohibit any local legislative
11 body from implementing a food handler program, an employee health
12 certification program, or a manager certification program,
13 provided it is not in conflict with this section.

14 Sec. 3119. (1) Except as otherwise provided for in
15 subsection (2), upon submission of an application, an applicant
16 for a food service establishment license shall pay to the local
17 health department having jurisdiction the required fees
18 authorized by section 2444 of the public health code, MCL
19 333.2444, and an additional state license fee as follows:

20	(a) Vending machine location fee	\$ 3.00.
21	(b) Temporary food service establishment...	\$ 3.00.
22	(c) Food service establishment.....	\$ 22.00.
23	(d) Mobile food establishment commissary...	\$ 22.00.
24	(e) Special transitory food unit.....	\$ 35.00.

25 (2) When licensing a special transitory food unit, a local
26 health department shall impose a fee of \$135.00, which includes

1 the additional state license fee imposed under subsection (1)
2 unless exempted under subsection (4) or (5). **SCHOOL FOOD SERVICE**
3 **AUTHORITIES RECOGNIZED BY THE MICHIGAN DEPARTMENT OF EDUCATION**
4 **SHALL BE CHARGED LICENSING, INSPECTION, AND CERTIFICATION FEES**
5 **NOT TO EXCEED \$20.00 PER KITCHEN ANNUALLY.**

6 (3) The state license fee required under subsection (1)
7 shall be collected by the local health department at the time the
8 license application is submitted. The state license fee is due
9 and payable by the local health department to the state within 60
10 days after the fee is collected.

11 (4) A charitable, religious, fraternal, service, civic, or
12 other nonprofit organization that has tax-exempt status under
13 section 501(c)(3) of the internal revenue code of 1986 is exempt
14 from paying additional state license fees imposed under this
15 section except for the vending machine location license fee. An
16 organization seeking an exemption under this subsection shall
17 furnish to the department or a local health department evidence
18 of its tax-exempt status.

19 (5) A veteran who has a waiver of a license fee under the
20 circumstances described in 1921 PA 359, MCL 35.441 to 35.443, is
21 exempt from paying the fees prescribed in this section.

22 (6) The department shall adjust on an annual basis the fees
23 prescribed by subsections (1) and (2) by an amount determined by
24 the state treasurer to reflect the cumulative annual percentage
25 change in the Detroit consumer price index but not to exceed 5%.
26 As used in this subsection, "Detroit consumer price index" means
27 the most comprehensive index of consumer prices available for the

1 Detroit area from the bureau of labor statistics of the United
2 States department of labor or its successor. The adjustment shall
3 be rounded to the nearest dollar to set each year's fee under
4 this subsection, but the absolute value shall be carried over and
5 used to calculate the next annual adjustment.

6 (7) The local health department shall forward the license
7 applications to the department with appropriate recommendations.