

SUBSTITUTE FOR
HOUSE BILL NO. 5843

A bill to amend 2000 PA 92, entitled
"Food law of 2000,"
by amending section 4105 (MCL 289.4105), as amended by 2007 PA
113.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4105. (1) Except as otherwise provided for in
2 subsection (2), a person, establishment, or organization that is
3 1 or more of the following is exempt from the licensure
4 requirements under this act:

5 (a) Subject to subsection (2), an establishment licensed
6 under 1 of the following acts while conducting activities within
7 the scope of that act:

<u>Public Act No.</u>	<u>Year</u>	<u>Compiled Law Sections</u>
141	1939	285.61 to 285.88
228	1959	286.371 to 286.379
158	1964	290.451 to 290.466
266	2001	288.471 to 288.540
267	2001	288.561 to 288.740

(b) A person that is offering only whole uncut fresh fruits and vegetables directly to consumers.

(c) Consumers or nonprofit cooperatives of consumers in compliance with the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, providing products from regulated sources only for their own use.

(d) Nonprofit cooperatives in compliance with the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, who are growers selling unprocessed products of their own production or are producers selling unprocessed products of their own production from regulated sources.

(e) Retail outlets for the sale of prepackaged honey or maple syrup produced in Michigan if the outlet is operated by the producer and the processing facility is licensed under this act.

BOTH RETAIL OUTLETS AND PROCESSING FACILITIES ARE EXEMPT FROM LICENSURE UNDER THIS ACT FOR PRODUCERS WITH GROSS SALES OF \$15,000.00 OR LESS OF HONEY OR MAPLE SYRUP. IN SUCH CASE, THE HONEY AND MAPLE SYRUP SHALL HAVE LABELING SUBSTANTIALLY SIMILAR TO THAT FOR COTTAGE FOOD PRODUCTS AS DESCRIBED IN SECTION 4102(3).

(f) A temporary food establishment with no food preparation

1 using only single-service articles and serving only non-
2 potentially-hazardous food or beverage.

3 (g) A retail food establishment that does both of the
4 following:

5 (i) Only sells prepackaged, non-potentially-hazardous foods.

6 (ii) Offers only an incidental amount of food, such as the
7 sale of single-service packages.

8 (h) A mobile food establishment, such as an ice cream truck,
9 that offers only prepackaged, single-serving frozen desserts.

10 (i) An event not open to the general public held by a
11 nonprofit trade association representing food establishments,
12 suppliers, or manufacturers where limited food preparation takes
13 place for the purpose of advertising, displaying, promoting, and
14 sampling prepared food.

15 (j) A commercial fishing guide service that serves lunch to
16 a party of not more than 12 clients on or adjacent to a body of
17 water, river, or stream while pursuing, capturing, catching,
18 killing, taking, or attempting to take fish. As used in this
19 subparagraph, "commercial fishing guide service" means a service
20 provided for a fee or other valuable consideration, regardless of
21 whether the fee or other valuable consideration is paid directly
22 or indirectly, to assist another person in pursuing, capturing,
23 catching, killing, taking, or attempting to take fish.

24 (k) A person owning or operating a device that dispenses
25 only bottled or canned soft drinks; other packaged nonperishable
26 foods or beverages; or bulk gum, nuts, and panned candies.

27 (l) Feeding operations set up in response to an emergency or

1 disaster.

2 (2) Notwithstanding subsection (1)(a), a person operating as
3 or conducting activities the director considers to be a food
4 establishment must be licensed in the appropriate category under
5 this act.

6 (3) If food is prepared in a food service establishment
7 licensed under this chapter and the food is transported from the
8 food service establishment to a fixed temporary serving location,
9 the serving location is not required to be separately licensed
10 and is considered an extension of the food service establishment
11 if no food preparation is conducted at the serving location and
12 the food is transported and served by employees of the food
13 service establishment.

14 Enacting section 1. This amendatory act does not take effect
15 unless all of the following bills of the 95th Legislature are
16 enacted into law:

17 (a) House Bill No. 5280.

18 (b) House Bill No. 5837.