

HOUSE BILL No. 5717

July 30, 2014, Introduced by Rep. Farrington and referred to the Committee on Judiciary.

A bill to amend 2000 PA 92, entitled
"Food law,"
(MCL 289.1101 to 289.8111) by amending the title and by adding
section 5104.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to codify the licensure and regulation of certain
persons engaged in processing, manufacturing, production, packing,
preparing, repacking, canning, preserving, freezing, fabricating,
storing, selling, serving, or offering for sale food or drink for
human consumption; to prescribe powers and duties of the department
of agriculture; to provide for delegation of certain powers and
duties to certain local units of government; to provide exemptions;
to regulate the labeling, manufacture, distribution, and sale of

1 food for protection of the consuming public and to prevent fraud
2 and deception by prohibiting the misbranding, adulteration,
3 manufacture, distribution, and sale of foods in violation of this
4 act; to provide standards for food products and food
5 establishments; **TO PROVIDE FOR IMMUNITY TO CERTAIN PERSONS UNDER**
6 **CERTAIN CIRCUMSTANCES;** to provide for enforcement of the act; to
7 provide penalties and remedies for violation of the act; to provide
8 for fees; to provide for promulgation of rules; and to repeal acts
9 and parts of acts.

10 **SEC. 5104. A RETAIL FOOD ESTABLISHMENT, FARMER, WHOLESALE,**
11 **WHOLESALE PROCESSOR, DISTRIBUTOR, OR OTHER PERSON WHO DONATES FOOD**
12 **FOR USE OR DISTRIBUTION BY A NONPROFIT ORGANIZATION OR NONPROFIT**
13 **CORPORATION, AND A NONPROFIT ORGANIZATION OR NONPROFIT CORPORATION**
14 **THAT COLLECTS DONATED FOOD AND DISTRIBUTES THAT FOOD TO ANOTHER**
15 **NONPROFIT ORGANIZATION OR NONPROFIT CORPORATION FREE OF CHARGE OR**
16 **FOR A NOMINAL FEE, IS NOT SUBJECT TO ANY CRIMINAL LIABILITY UNDER**
17 **THIS ACT OR ANY CIVIL LIABILITY RESULTING FROM THE NATURE, AGE,**
18 **CONDITION, OR PACKAGING OF THE FOOD UNLESS THE DONOR OR NONPROFIT**
19 **ORGANIZATION OR NONPROFIT CORPORATION KNEW OR REASONABLY SHOULD**
20 **HAVE KNOWN WHEN IT DONATED OR DISTRIBUTED THE FOOD THAT THE FOOD**
21 **WAS ADULTERATED OR NOT FIT FOR HUMAN CONSUMPTION.**