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Senate Bill 144 (as introduced 2-18-15)
Sponsor: Senator Tom Casperson
Committee: Agriculture

Date Completed: 5-6-15

CONTENT

The bill would amend the Food Law to do the following:

- **Specify that a food service establishment that served only low-risk food would not have to employ a managerial employee certified under an American National Standards Institute-accredited certification program.**
- **Allow a local health department to conduct an in-office consultation with, and waive the inspection for, a temporary food establishment that planned to serve only low-risk food.**

The bill would take effect 90 days after its enactment.

The Law generally requires food establishments to employ at least one managerial employee who is certified under a personal certification program accredited by the American National Standards Institute, using the Conference for Food Protection standards. The requirement does not apply to a food service establishment operating under a temporary food service establishment license or a vending machine location. Under the bill, the requirement also would not apply to a food service establishment that served only low-risk foods.

"Low risk food" would mean any of the following: a) raw or prepackaged food that is not potentially hazardous food (not time/temperature control for safety food); b) potentially hazardous food that is prepared in a licensed facility and is not prepared on-site; c) commercially processed potentially hazardous food that is heated only for hot holding; d) potentially hazardous food that is not cooled on-site.

The Law delegates the enforcement of requirements pertaining to most food service establishment to local health departments. A local health department must review an application for a food service establishment license to ensure that it is complete and accurate. After determining that an application is proper, complete, and accurate, the local health department must inspect the proposed or existing establishment to determine compliance with the Law. The bill specifies that if a temporary food establishment would serve only low-risk food, the local health department, based on a public health risk assessment, could conduct an in-office consultation, including food safety education, and operation review of the proposed temporary food establishment with the license applicant and waive the required inspection. The person in charge of the temporary food establishment would have to be present during the in-office consultation.

(The Law defines "food establishment" as an operation where food is processed, packed, canned, preserved, frozen, fabricated, stored, prepared, served, sold, or offered for sale, including a food processor, food warehouse, food service establishment, and retail grocery.

A "food service establishment" is a fixed or mobile restaurant, coffee shop, cafeteria, sandwich shop, tavern, bar, drive-in, food concession, delicatessen, theater, food concession, or similar place in which food or drink is prepared for direct consumption through service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public.

"Temporary food establishment" means a food establishment that operates at a fixed location for a temporary period of not more than 14 consecutive days.)

MCL 289.1109 et al.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would result in a minor reduction in costs for local health departments. The bill would allow local health departments to waive full inspections for temporary food establishments serving only low-risk foods, replacing inspections with an in-office consultation. Such consultations would be less intensive and thus would be less costly for a local health department to conduct. The amount of savings is indeterminate, due to limited information on the number of such establishments and the marginal costs of food inspections and in-office consultations.

Fiscal Analyst: Steve Angelotti

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