



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4017 (Substitute H-1 as passed by the House)
Sponsor: Representative Jeff Farrington
House Committee: Agriculture
Senate Committee: Agriculture

Date Completed: 5-6-15

CONTENT

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

- **Provide that a retail food establishment, farmer, wholesaler, wholesale processor, distributor, or other person who donated food for use or distribution by a nonprofit entity would not be subject to criminal or civil liability, unless the food was adulterated or not fit for human consumption.**
- **Require a nonprofit organization that served donated food to employ a food safety manager certified under an American National Standards Institute-accredited certification program.**

The bill specifies that a retail food establishment, farmer, wholesaler, wholesale processor, distributor, or other person who donated food for use or distribution by a nonprofit organization or nonprofit corporation, and a nonprofit organization or nonprofit corporation that collected and distributed the donated food to another nonprofit organization or nonprofit corporation free of charge or for a nominal fee, would not be subject to any criminal liability under the Law, or any civil liability resulting from the nature, age, condition, or packaging of the food, unless the donor or nonprofit organization or nonprofit corporation knew or reasonably should have known when it donated or distributed the food that the food was adulterated or not fit for human consumption.

The bill also would require a nonprofit organization or nonprofit corporation that served donated food to employ or designate a food safety manager who was certified under a personal certification program described in Section 2129(1) and (5) of the Food Law.

(Section 2129(1) generally requires food establishments to employ a food safety manager certified under a personal certification program accredited by the American National Standards Institute, using the Conference for Food Protection standards. Section 2129(5) incorporated that certification program by reference, and allows it to be updated by rule.)

Proposed MCL 289.5104

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government as it would affect private litigation.

Fiscal Analyst: Steve Angelotti

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.