

Act No. 41
Public Acts of 2015
Approved by the Governor
June 3, 2015
Filed with the Secretary of State
June 3, 2015
EFFECTIVE DATE: June 3, 2015

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2015**

Introduced by Reps. Farrington, Barrett, Bizon, Brunner, Byrd, Courser, Cox, Darany, Dianda, Driskell, Durhal, Forlini, Garcia, Garrett, Gay-Dagnogo, Glardon, Glenn, Goike, Greig, Hooker, Hovey-Wright, Howrylak, Hughes, Inman, Jacobsen, Jenkins, Johnson, Kesto, Kivela, Kosowski, Lane, Lauwers, LaVoy, Leutheuser, Lucido, Maturen, Muxlow, Outman, Pagan, Pettalia, Poleski, Potvin, Rendon, Brett Roberts, Runestad, Rutledge, Santana, Sheppard, Somerville, Talabi, Tedder, Theis, Vaupel, VerHeulen, Victory and Yonker

ENROLLED HOUSE BILL No. 4017

AN ACT to amend 2000 PA 92, entitled "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 food for protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of foods in violation of this act; to provide standards for food products and food establishments; to provide for enforcement of the act; to provide penalties and remedies for violation of the act; to provide for fees; to provide for promulgation of rules; and to repeal acts and parts of acts," (MCL 289.1101 to 289.8111) by amending the title and by adding section 5104.

The People of the State of Michigan enact:

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 and rural development; 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 food for protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of foods in violation of this act; to provide standards for food products and food establishments; to provide for immunity to certain persons under certain circumstances; to provide for enforcement of the act; to provide penalties and remedies for violation of the act; to provide for fees; to provide for promulgation of rules; and to repeal acts and parts of acts.

Sec. 5104. (1) A retail food establishment, farmer, wholesaler, wholesale processor, distributor, or other person who donates food for use or distribution by a nonprofit organization or nonprofit corporation, and a nonprofit organization or nonprofit corporation that collects donated food and distributes that food to another nonprofit organization or nonprofit corporation free of charge or for a nominal fee, is not subject to any criminal liability under this act 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.

(2) A nonprofit organization or nonprofit corporation that serves donated food described under subsection (1) shall employ or designate as a food safety manager an individual who is certified under a personnel certification program described in section 2129(1) and (5).

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor