

Act No. 61  
Public Acts of 2015  
Approved by the Governor  
June 9, 2015  
Filed with the Secretary of State  
June 11, 2015  
EFFECTIVE DATE: October 1, 2015

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

**Introduced by Reps. Hoadley, Jenkins, Victory, Pagel, Canfield and Singh**

# **ENROLLED HOUSE BILL No. 4470**

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,” by amending sections 2111, 2125, 4111, and 4113 (MCL 289.2111, 289.2125, 289.4111, and 289.4113), section 2111 as amended by 2007 PA 113, sections 2125 and 4111 as amended by 2012 PA 178, and section 4113 as amended by 2007 PA 114.

*The People of the State of Michigan enact:*

Sec. 2111. (1) The director shall have free access at reasonable hours to any food establishment, including a vehicle used to transport or hold food, for the purpose of evaluating that food establishment or vehicle to determine if this act or rules promulgated under this act are being violated. The director may secure samples of any food, after paying or offering to pay for the samples, to determine if this act or rules promulgated under this act are being violated.

(2) The director may examine the records of the food establishment to obtain pertinent information about food, supplies, and equipment purchased, received, or used by, or persons employed by, the food establishment or location.

(3) The director may take photographs or copy records as part of an evaluation. If a food establishment identifies by written document or mark that a certain area or record contains visible trade secrets, the director shall identify any photographs of that area or copies of that record as being confidential and shall diligently protect the confidentiality.

Sec. 2125. (1) The department shall charge the following fees for the following services:

(a) A reissuance of a duplicate license, \$15.00.

(b) A free-sale letter, \$60.00 per letter.

(c) An evaluation of a food establishment if the evaluation is a second reevaluation of a food establishment that has already been evaluated and found to have a priority item or priority foundation item violation or if the evaluation is performed at the request of the operator, \$60.00.

(d) A shellfish dealer's certificate, \$150.00 annually.

(e) A review and approval of training materials, \$60.00 per hour.

(f) A special transitory food unit plan review, \$197.00.

(g) A plan review as specified in section 8-201.11 of the food code, \$197.00.

(2) Fees collected under this section shall be deposited in the dairy and food safety fund created in section 4117 for enforcement of this act.

(3) The services referred to in subsection (1)(e) and (f) involve the formal review and approval procedure. The department may provide informal review or answer questions without charging a fee.

Sec. 4111. (1) The department shall impose the following license fees for each year or portion of a year:

(a) Retail grocery: \$106.00 for 2016, \$145.00 for 2017, and \$183.00 for any subsequent year.

(b) Extended retail food establishment: \$271.00 for 2016, \$370.00 for 2017, and \$468.00 for any subsequent year.

(c) Food processor: \$271.00 for 2016, \$370.00 for 2017, and \$468.00 for any subsequent year.

(d) Limited food processor: \$106.00 for 2016, \$145.00 for 2017, and \$183.00 for any subsequent year.

(e) Mobile food establishment: \$183.00 for 2016, \$186.00 for 2017, and \$189.00 for any subsequent year.

(f) Temporary food establishment: \$40.00 for 2016, \$55.00 for 2017, and \$70.00 for any subsequent year.

(g) Special transitory food unit: \$150.00 for 2016, \$153.00 for 2017, and \$156.00 for any subsequent year.

(h) Mobile food establishment commissary: \$183.00 for 2016, \$186.00 for 2017, and \$189.00 for any subsequent year.

(i) Food warehouse: \$106.00 for 2016, \$145.00 for 2017, and \$183.00 for any subsequent year.

(j) Food service establishment: the amounts described in subsection (2).

(2) If a local health department no longer conducts a food service program, the department, in consultation with the commission of agriculture and rural development, shall set the food sanitation fees to be imposed for the conduct of the food service program by the department. The fees imposed must equal, as nearly as possible, 1/2 of the department's cost of providing the service. The department may impose the service fees for up to 12 months after the date of cessation by the local health department. After the 12-month period, the department shall collect the fees only as authorized pursuant to an appropriation.

(3) Any license fee paid on an initial application is nonrefundable.

(4) The department may charge a convenience fee and collect from the applicant any additional costs associated with the method of fee payment for the license or permit fees described in this chapter, not to exceed the costs to the department.

Sec. 4113. (1) The department shall impose, for a renewal application postmarked or delivered in person on or after May 1 of each year, a late fee of an additional \$150.00. The late fee for a new application submitted after the establishment has opened for business is an additional \$150.00.

(2) The department shall not issue or renew a license until the fee and any late fee, reinspection fees, and fines have been paid. A hearing regarding the department's refusal to issue or renew a license under this section is not required except as provided under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

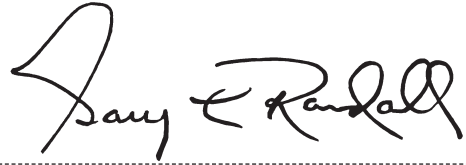
(3) The department may waive the late fee for producers of maple syrup, honey, and other seasonal agricultural products if the license application is submitted not less than 30 days before the applicant engages in processing, packing, freezing, storing, or selling or offering for sale the product.

(4) A late fee shall be retained by any certified health department or, in an area where there is no certified health department, by the department.

(5) The department shall use a late fee retained by the department under subsection (4) for the administration and enforcement of this act.

Enacting section 1. This amendatory act takes effect October 1, 2015.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor