

HOUSE BILL NO. 5744

February 15, 2022, Introduced by Reps. Alexander, Posthumus, Steenland, Hertel, Borton, Cambensy, Liberati, Roth, Filler and Bezotte and referred to the Committee on Agriculture.

A bill to amend 2000 PA 92, entitled
"Food law,"
by amending section 2125 (MCL 289.2125), as amended by 2015 PA 61,
and by adding section 2124.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 2124. (1) To facilitate continued access to markets for**
2 **food, the department may do 1 or both of the following:**
3 **(a) At the request of a food processor or based upon records**
4 **voluntarily supplied by a food processor, inspect, audit, or**

1 certify a food establishment where food is processed or
2 manufactured in this state.

3 (b) Issue certificates of free sale under subsection (3).

4 (2) A food processor shall submit an application for a
5 certificate of free sale on a form and in a manner prescribed by
6 the department.

7 (3) The department shall grant or deny an application for a
8 certificate of free sale within 10 business days after the
9 department receives a completed application under subsection (2)
10 and the application fee under subsection (4). If the department
11 determines that the application meets the requirements of this act
12 and the rules promulgated under this act, the department shall
13 issue a certificate of free sale. If the department determines that
14 the application does not meet the requirements of this act or the
15 rules promulgated under this act, the department shall deny the
16 application and send a written notice to the food processor stating
17 the reasons for the denial.

18 (4) A food processor shall pay the department the following
19 fees, as applicable:

20 (a) An application fee, \$60.00.

21 (b) A duplicate copy of a certificate of free sale, \$10.00.

22 (5) A fee collected under subsection (4) must be deposited in
23 the dairy and food safety fund created in section 4117.

24 (6) A certificate of free sale issued under this section is
25 valid for 1 year.

26 (7) As used in this section, "certificate of free sale" means
27 a document that is issued by the department that verifies that the
28 food listed is processed or manufactured in this state and is
29 legally sold or distributed in this state and on the open market

1 with the approval of the department.

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

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

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

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

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

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

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

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

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

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