

# HOUSE BILL NO. 5705

February 01, 2022, Introduced by Rep. Brann and referred to the Committee on Agriculture.

A bill to amend 2000 PA 92, entitled  
"Food law,"  
by amending section 1111 (MCL 289.1111), as amended by 2018 PA 92,  
and by adding section 6171.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 1111. As used in this act:
- 2       (a) "Raw agricultural commodity" means any food in its raw or
- 3       natural state including fruits that are washed, colored, or
- 4       otherwise treated in their unpeeled natural form before marketing.
- 5       (b) "Regulatory authority" means the department, ~~the~~ local
- 6       health department, or ~~the~~ authorized representative having

1 jurisdiction over the food establishment.

2 (c) "Retail food establishment" means an operation that sells  
3 or offers to sell food directly to a consumer. Retail food  
4 establishment includes both a retail grocery and a food service  
5 establishment, but does not include a food processor.

6 (d) "Retail grocery" means an operation that sells or offers  
7 to sell food to consumers for off-premises consumption. Food for  
8 off-premises consumption does not include take-out food intended  
9 for immediate consumption.

10 (e) "Rules" means administrative rules promulgated under this  
11 act pursuant to the administrative procedures act of 1969, 1969 PA  
12 306, MCL 24.201 to 24.328.

13 (f) "Shellfish dealer" means an interstate wholesaler handling  
14 shellfish.

15 (g) "Shellfish dealer certification" means the issuance of a  
16 numbered certificate to a person indicating that the person is in  
17 compliance with the requirements of the guide for the control of  
18 molluscan shellfish and ~~that the person~~ has permission from the  
19 department to conduct 1 or more of the following shellfish  
20 activities, as defined in the guide for the control of molluscan  
21 shellfish:

22 (i) Shellstock shipper.

23 (ii) Shucker packer.

24 (iii) Repacker or reshipper.

25 (h) "Smoked fish rules" means R 285.569.1 to R 285.569.19 of  
26 the Michigan Administrative Code.

27 (i) "Special transitory food unit" means a temporary food  
28 establishment that is licensed to operate throughout the state  
29 without the 14-day limits or a mobile food establishment that is

1 not required to return to a commissary.

2 (j) "Staple foods" does not include accessory foods such as  
3 coffee, tea, cocoa, soda, noncarbonated drinks such as sports  
4 drinks, punches, and flavored waters, candy, condiments, spices,  
5 hot foods, or foods ready to go or made to take out, such as  
6 prepared sandwiches or salads.

7 (k) "Sulfiting agents" means any of the following:

8 (i) Sulfur dioxide.

9 (ii) Sodium sulfite.

10 (iii) Sodium bisulfite.

11 (iv) Potassium bisulfite.

12 (v) Sodium metabisulfite.

13 (vi) Potassium metabisulfite.

14 (l) "Temporary food establishment" means a food establishment  
15 that operates at a fixed location for a temporary period not to  
16 exceed 14 consecutive days.

17 (m) "Temporary license" means a written authorization issued  
18 by the director to operate for a specified limited time period.

19 **(n) "Third-party food delivery platform" means a business**  
20 **engaging in the service of online food ordering and delivery from a**  
21 **food service establishment to a consumer.**

22 **(o) ~~(n)~~ "Transient tenant" means ~~a person~~ an individual** who  
23 rents a room in a bed and breakfast for fewer than 30 consecutive  
24 days.

25 **(p) ~~(o)~~ "Trimming" means removing leaves, roots, and other**  
26 **extraneous materials in preparation for grading, sorting, and sale**  
27 **as a whole fruit or vegetable. Trimming does not remove the peel or**  
28 **core and does not further cut the whole fruit or vegetable.**

29 **(q) ~~(p)~~ "U.S. standards for shell eggs" means "United States**

Standards, Grades, and Weight Classes for Shell Eggs", AMS 56 (July 20, 2000), United States Department of Agriculture.

(r) ~~(q)~~ "Vending company base location" means a vending machine location or other food establishment required to be separately licensed under section 4105(5).

(s) ~~(r)~~ "Vending machine" means a self-service device that, ~~upon insertion of~~ **after inserting** a coin, paper currency, token, card, or key, or by manual operation, dispenses ~~a unit serving~~ **serving** of food in bulk or in ~~packages~~ **a package** without the necessity of replenishing the device between each vending operation. Vending machine does not include any of the following:

(i) A device that dispenses only bottled or canned soft drinks, ~~or~~ other packaged nonperishable foods or beverages, ~~or~~ bulk ball gum, nuts, ~~and or~~ panned candies.

(ii) A ~~water-dispensing~~ **water dispensing** machine that is registered under ~~chapter IV.~~ **section 4115.**

(t) ~~(s)~~ "Vending machine location" means the room, enclosure, space, or area in which 1 or more vending machines are installed and operated, or a micro market.

(u) ~~(t)~~ "Wholesale" means selling other than directly to consumers.

(v) ~~(u)~~ "Wild game" means animals from their natural state and not cultivated, domesticated, or tamed.

**Sec. 6171. (1) A third-party food delivery platform that operates in this state shall require any individual who contracts with the third-party food delivery platform to be a food delivery driver to have a current certification from a personnel certification program accredited by the American National Standards Institute, utilizing the Conference for Food Protection Standards.**

1           (2) A food delivery driver who completes the certification  
2 under subsection (1) shall make proof of certification available to  
3 either of the following upon request:

4           (a) The manager or owner of a food service establishment.

5           (b) A consumer that receives a food delivery.

6           (3) Certification under subsection (1) is valid for 3 years.

7           (4) An individual who violates this section may be ordered to  
8 pay a civil fine of not more than \$100.00. A violation of this  
9 section may be prosecuted by the prosecutor in the county in which  
10 the violation occurred, or by the attorney general.