

Act No. 129
Public Acts of 2022
Approved by the Governor
June 29, 2022
Filed with the Secretary of State
June 29, 2022
EFFECTIVE DATE: June 29, 2022

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Reps. Filler, Posthumus, Alexander, Hertel, Steenland, Borton, Cambensy,
Liberati, Roth and Bezotte

ENROLLED HOUSE BILL No. 5748

AN ACT to amend 2001 PA 266, entitled “An act to regulate the production, transportation, handling, processing, delivery, and sale of grade A milk and milk products; to define grade A milk and milk products and to establish standards and requirements for grade A milk and milk products; to provide for dairy food safety; to provide for the sampling, sampling analysis, and transportation of milk and milk products; to regulate the labeling, manufacture, distribution, and sale of milk and milk products for the protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of milk and milk products; to provide for enforcement; to provide for licenses and permits and revocation of licenses and permits; to impose certain fees; to require certain security arrangements of milk plants to ensure the prompt payment of producers; to prescribe powers and duties of certain state departments and officers; to provide for uniform standards and uniform inspection; to provide for promulgation of rules; to provide for certain remedies and penalties; and to repeal acts and parts of acts,” (MCL 288.471 to 288.540) by adding section 36.

The People of the State of Michigan enact:

Sec. 36. (1) To facilitate continued access to markets for grade A milk and milk products, the department may do 1 or both of the following:

(a) At the request of a processor or producer or based upon records voluntarily supplied by a processor or producer, inspect, audit, or certify milk plants where grade A milk or milk products are processed, pasteurized, or aseptically processed in this state.

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

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

(3) The department shall grant or deny an application for a certificate of free sale within 10 business days after the department receives a completed application under subsection (2) and the application fee under subsection (4). If the department determines that the application meets the requirements of this act, the department shall issue a certificate of free sale. If the department determines that the application does not meet the requirements of this act, the department shall deny the application and send a written notice to the processor or producer stating the reasons for the denial.

(4) If a certificate of free sale is issued under subsection (3), the processor or producer shall pay the department the following fees, as applicable:

(a) An application fee, \$60.00.

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

(5) A fee collected under subsection (4) must be deposited in the dairy and food safety fund created in section 4117 of the food law of 2000, MCL 289.4117.

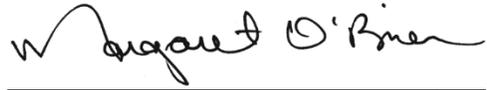
(6) A certificate of free sale issued under this section is valid for 1 year.

(7) As used in this section, "certificate of free sale" means a document that is issued by the department that verifies that the grade A milk or milk product listed is processed, pasteurized, or aseptically processed in this state and is legally sold or distributed in this state and on the open market with the approval of the department.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor