

FOOD LAW (EXCERPT)
Act 92 of 2000

***** Subsection (2) is not applicable after December 31, 2020 *****

289.2129 Certification of managerial employee under program accredited by American National Standards Institute; food safety training containing allergen awareness component; requirements; records documenting compliance; applicability of subsection (2); rules; updates; implementation of food handler program, employee health certification program, or manager certification program by local legislative body.

Sec. 2129. (1) Subject to subsection (2), all of the following food establishments shall employ a minimum of 1 managerial employee as a food safety manager, who must be an individual who is currently certified under a personnel certification program accredited by the American National Standards Institute, utilizing the Conference for Food Protection standards:

- (a) A food service establishment unless it is a licensed temporary food service establishment.
- (b) An extended retail food establishment.
- (c) A food service establishment operated within a retail grocery.

(2) Beginning January 14, 2017 and every 5 years thereafter, a certified food safety manager who supervises the operations of a food service establishment shall have completed a food safety training program containing an allergen awareness component that has been approved by the department. The allergen awareness component may be an online program or a video. However, a certified food safety manager at a food service establishment with more than 20 locations within this state may satisfy this requirement by completing any nationally recognized food safety training program containing an allergen awareness component. A food service establishment shall retain records on the site of the food service establishment documenting compliance of its certified food safety managers with this subsection. The department shall enforce this subsection in the same manner that it enforces other provisions related to certified food safety managers. This subsection applies until December 31, 2020.

(3) An individual certified as provided in subsection (1) shall be recognized with full faith and credit by this state and all local units of government throughout this state.

(4) The department may promulgate rules to do all of the following:

(a) Develop requirements for retail food establishments to follow when employing certified food safety managers or personnel.

(b) Set a reasonable date for compliance with the requirements under subdivision (a) taking into consideration existing local personnel certification requirements.

(c) Establish certification fees necessary to implement, maintain, and track certified individuals directly or by contract. The department may annually adjust the schedule of fees to provide that the fee charged is sufficient to cover the cost of the certification tracking program.

(d) Implement and enforce the requirements developed under subdivision (a).

(5) The certification program developed by the American National Standards Institute, as it exists on April 1, 2008, is incorporated by reference. The department may adopt updates to the certification program accreditation standards in subsection (1) by rule.

(6) This section does not prohibit a local legislative body from implementing a food handler program, an employee health certification program, or a manager certification program, if it is not in conflict with this section.

History: 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2007, Act 113, Eff. Apr. 1, 2008;—Am. 2012, Act 178, Eff. Oct. 1, 2012;—Am. 2014, Act 516, Imd. Eff. Jan. 14, 2015;—Am. 2015, Act 142, Eff. Jan. 11, 2016;—Am. 2016, Act 188, Eff. Sept. 19, 2016.

Compiler's note: Sec. 1117 of Act 92 of 2000 provides:

“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”