

FOOD LAW (EXCERPT)
Act 92 of 2000

289.3105 Enforcement; delegation to local health department; exceptions.

Sec. 3105. (1) The department shall delegate the authority and responsibility for the enforcement of the requirements pertaining to food service establishments contained in this act and rules to local health departments meeting the program criteria provided for in this act and rules. The local health departments shall enforce this act and rules and may delegate enforcement authority under a plan of organization approved pursuant to section 2431 of the public health code, MCL 333.2431. If a food service program is discontinued or is revoked for failure to meet the program criteria, redelegation to a local health department by the director of the program is not required. Local health departments delegated authority under this chapter shall enforce this act and rules in the manner provided for in part 24 of the public health code, MCL 333.2401 to 333.2498, except that late fees under section 4113, administrative fines under section 5105, and criminal fines under section 5107 are specifically not delegated to the local health departments.

(2) If a food service establishment is a part of a retail grocery or food processor and the retail grocery and food processor are the predominant part of the food business as determined by the department, authority and responsibility pertaining to that establishment are not delegated under subsection (1).

(3) If a retail grocery or food processor is a part of a food service establishment but the food service establishment is the predominant part of the food business as determined by the department, the authority and responsibility for the entire establishment are delegated under subsection (1).

(4) Mobile and temporary food establishments and special transitory food units that are predominantly food service establishments as determined by the department are delegated to the local health departments under subsection (1). Mobile and temporary food establishments and special transitory food units that are predominantly retail groceries or food processors are not delegated under subsection (1).

History: 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2012, Act 178, Eff. Oct. 1, 2012.

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.”