

FOOD LAW (EXCERPT)

Act 92 of 2000

289.3115 Review of license application by local health department; inspection of establishment; temporary food establishment serving only low-risk food; in-office consultation; forward of approval or limitation to department.

Sec. 3115. (1) A local health department shall promptly review a license application for a food service establishment to determine if the application is complete and accurate. A local health department may return an incomplete or inaccurate application to a license applicant and request any additional information it considers necessary to ensure completeness or accuracy of the application.

(2) Subject to subsection (3), after a local health department determines that an application under subsection (1) is proper, complete, and accurate, it shall inspect the proposed or existing food service establishment to determine compliance with this act.

(3) If a temporary food establishment will serve only low-risk food, instead of conducting an inspection under subsection (2), a local health department, based on a public health risk assessment, may conduct an in-office consultation, including food safety education, and operational review of the proposed temporary food establishment with the license applicant. The person in charge of the temporary food establishment must be present during the in-office consultation. A local health department that conducts an in-office consultation under this subsection may also conduct an inspection under subsection (2).

(4) A local health department shall conduct an inspection under subsection (2) or an in-office consultation under subsection (3), as applicable, before it makes its recommendation to the department on the issuance of a license.

(5) A local health department shall forward to the department its recommendation for license approval or approval with limitation.

History: 2000, Act 92, Eff. Nov. 8, 2000;—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.”