

FOOD LAW (EXCERPT)

Act 92 of 2000

289.5101 Prohibited acts; violation.

Sec. 5101. (1) A person shall not do or cause to be done any of the following:

- (a) Manufacture, sell, deliver, hold, or offer for sale adulterated or misbranded food.
- (b) Adulterate or misbrand food.
- (c) Receive in commerce food that is adulterated or misbranded and deliver or proffer the delivery of that food for pay or otherwise.
- (d) Sell, deliver for sale, hold for sale, or offer for sale food unless that person holds a license issued under chapter IV.
- (e) Disseminate a false advertisement concerning food or a food establishment.
- (f) Refuse to permit entry or evaluation, or to permit the taking of a sample, as authorized by section 2111.
- (g) Give a false guaranty or undertaking concerning food, unless in good-faith reliance on a guaranty or undertaking to the same effect signed by and containing the name and address of the person from whom the food was received.
- (h) Remove or dispose of seized or embargoed food in violation of section 2105.
- (i) Alter, mutilate, destroy, obliterate, or remove all or part of the label or do any other act with respect to a food while the food is held for sale resulting in the food being adulterated or misbranded.
- (j) Forge, counterfeit, simulate, or falsely represent, or without proper authority use any mark, stamp, tag, label, or other identification device authorized or required by this act or rules.
- (k) Permit filthy or unsanitary conditions to exist in a food establishment in which food intended for human consumption is manufactured, received, kept, stored, served, sold, or offered for sale.
- (l) Falsely identify a country, state, or other place of origin of food on a label, tag, or other document with intent to deceive or defraud.
- (m) Fail to establish or maintain any record or make any report required under this act or the federal act, or refuse to permit access to or verification or copying of any such required record.
- (n) Interfere with the director in the conduct of his or her responsibilities under this act.
- (o) Make a false statement, representation, or certification in any application, report, plan, or other document that is required to be maintained under this act or rules.
- (p) Remove a tag, seal, or mark placed by the director.
- (q) Operate without a license, registration, permit, or endorsement.
- (r) Violate a provision of this act or a rule.
- (s) Operate as a shellfish dealer without a shellfish dealer certificate.
- (t) If the person is a food establishment, permit Michigan bridge card access to food assistance program benefits unless the food establishment's inventory records match redemption files for Michigan bridge card usage for food assistance program benefits and 1 or more of the following apply:
 - (i) The food for sale includes, on a continuous basis, at least 3 varieties of foods in each of the following 4 staple food groups and perishable foods in at least 2 of the groups:
 - (A) Meat, poultry, or fish.
 - (B) Bread or cereal.
 - (C) Vegetables or fruits.
 - (D) Dairy products.
 - (ii) At least 50% of the total dollar amount of all retail sales, including food and nonfood items, fuel, and services at the food establishment is from the sale of food in any of the 4 staple food groups.
- (2) Each day a violation of this section occurs is a separate violation of this section.

History: 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2007, Act 114, Eff. Apr. 1, 2008;—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.”