

## FOOD LAW (EXCERPT)

### Act 92 of 2000

#### CHAPTER VII

#### FOOD AND PROCESSING STANDARDS

##### **289.7101 Compliance with federal regulations; exception.**

Sec. 7101. Subject to section 1119(2), a food processor and a food warehouse shall comply with 21 CFR part 110, except that refrigerated potentially hazardous food shall be stored at 4.4 degrees centigrade (40 degrees Fahrenheit) or below.

**History:** 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2002, Act 487, Imd. Eff. June 27, 2002;—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.”

##### **289.7103 Processing low-acid foods; requirements.**

Sec. 7103. (1) All thermally processed, low-acid foods that are packaged in hermetically sealed containers shall be processed in a licensed commercial food establishment.

(2) All processors of acidified, low-acid foods packaged in hermetically sealed containers shall comply with the regulations of the U.S. food and drug administration in 21 C.F.R. part 114.

(3) All thermally processed, low-acid foods that are packaged in hermetically sealed containers shall comply with the regulations of the U.S. food and drug administration in 21 C.F.R. part 113.

(4) Hermetically sealed packages shall be handled to maintain product and container integrity.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**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.”

##### **289.7104 Control of molluscan shellfish.**

Sec. 7104. (1) @.02 of chapter I and chapters II, VII, IX to XIV, and XVI of the guide for control of molluscan shellfish are incorporated by reference except to the extent provisions of this act and rules specify different requirements.

(2) The director by rule may adopt any changes or updates to the guide for control of molluscan shellfish.

(3) The annexes of the guide for the control of molluscan shellfish are considered persuasive authority for interpretation of the guide for the control of molluscan shellfish.

**History:** Add. 2012, Act 178, Eff. Oct. 1, 2012.

##### **289.7105 Processor of seafood; waiver for processor of smoked fish.**

Sec. 7105. All processors of seafood shall comply with regulations of the U.S. food and drug administration in 21 CFR part 123. The requirement that a processor of smoked fish comply with the smoked fish rules is waived if the processor demonstrates compliance with the federal regulation described in this section.

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

**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.”

##### **289.7106 Processors of juice; safe cider production.**

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Sec. 7106. (1) All processors of juice shall comply with the regulations of the U.S. food and drug administration in 21 CFR part 120.

(2) An establishment that presses apple cider shall have at least 1 active employee currently certified under a program described in section 2129 or having completed a current course recognized by the department as pertinent to safe cider production.

**History:** Add. 2007, Act 114, Eff. Apr. 1, 2008.

### **289.7107 Bottled water; approval of source and water supply; maximum levels of substances; labeling of water dispensing machine.**

Sec. 7107. (1) Bottled water shall be obtained from a water supply approved by the department of environmental quality and in compliance with the safe drinking water act, 1976 PA 399, MCL 325.1001 to 325.1023.

(2) A copy of the current sanitary survey report from the department of environmental quality under the safe drinking water act, 1976 PA 399, MCL 325.1001 to 325.1023, and the water sample results required under that act shall be available at the bottling plant for the director to demonstrate approval of the source and supply of the water.

(3) Bottled water shall not contain any substance in excess of the maximum contaminant level adopted for drinking water under the safe drinking water act, 1976 PA 399, MCL 325.1001 to 325.1023.

(4) A water dispensing machine shall be clearly and conspicuously labeled with the declaration of identity of the product dispensed.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**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.”

### **289.7109 Operation of bottled water plant or bottle water; compliance with federal regulations.**

Sec. 7109. A person shall not operate a bottled water plant or bottle water for the purpose of sale or distribution in this state without first demonstrating to the department that the source, bottling facility, treatment and bottling practices comply with 21 C.F.R. part 129, and product water meets the requirements of this chapter.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**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.”

### **289.7111 Packaged food; compliance with federal regulations.**

Sec. 7111. Packaged food shall comply with standard of identity requirements in 21 C.F.R. parts 131 to 169 and the definitions and standards of identity or composition contained in 9 C.F.R. part 319, and the general requirements in 21 C.F.R. part 130 and subpart A of part 319 of title 9 of the Code of Federal Regulations except as modified or rejected by this act or rules promulgated under this act.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**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.”

### **289.7112 Adoption of federal regulations.**

Sec. 7112. (1) 21 CFR parts 1, 70, 73, 74, 81, 82, and 100 to 199, as set forth on the effective date of the amendatory act that amended this section, are adopted by reference, except to the extent that provisions of this act and rules promulgated under this act specify different requirements.

(2) The director, by promulgation of a rule, may adopt any changes or updates to 21 CFR parts 1, 70, 73, 74, 81, 82, and 100 to 199.

**History:** Add. 2012, Act 178, Eff. Oct. 1, 2012;—Am. 2018, Act 92, Imd. Eff. Mar. 26, 2018.

### **289.7113 Definitions.**

Sec. 7113. As used in this chapter:

(a) "Added fat" means the addition of fat tissue originating from portions consisting of less than 12% muscle tissue in each portion.

(b) "Added water" means greater moisture content than normally found in meat and, except for poultry, is determined by total moisture minus 4 times the percentage of protein. Added water may be in the form of water or ice.

(c) "Artificial coloring" means coloring containing any dye or pigment which was manufactured by a process of synthesis or other similar artifice or by extraction of a natural dye or pigment from a plant or other material from which the dye or pigment was formed.

(d) "Artificial flavoring" means any flavoring containing any sapid or aromatic constituent manufactured by synthesis or similar process.

(e) "Binders" means food and nonfood substances used as an ingredient in comminuted meats for binding, stabilizing, thickening, or maintaining viscosity of the product.

(f) "By-products or variety meats" means hearts, livers, brains, tongues, tripe, stomach, lungs, melts, eyes, weasand meats, head meat, cheek meat, salivary glands, udder, lips, ears, snouts, skin, feet, spleens, slaughterhouse by-products, spinal cords, cracklings or crackling meal, packinghouse by-products, food processor by-products, partially defatted fatty tissues, and partially defatted chopped meat.

(g) "Candling" means the examination, in a partially darkened room or place, of the interior of an egg by twirling the egg before a bright light passing through an aperture in an opaque shield or by another approved method.

(h) "Comminuted" means chopped, diced, flaked, ground, or otherwise reduced to minute particles.

(i) "Extenders" means food substances used as an ingredient in comminuted meats primarily for replacement of meat ingredients.

(j) "Fat" means the quantity of adipose tissue determined by chemical analysis.

(k) "Fresh meat" means meat that has undergone no cooking, heating, or other processing except boning, cutting, comminuting, or freezing.

(l) "Lamb" means meat derived from sheep less than 1 year of age.

(m) "Meat" means the edible part of clean, sound striated muscle of cattle, swine, sheep, deer and other cervids, goat, turkey, duck, ratite, or chicken slaughtered in compliance with all applicable laws, with or without the accompanying and overlying fat, and sinew, nerve, gland, and blood vessels which normally accompany the muscle tissues and which are not separated from it in the process of dressing. Meat does not include specified risk materials.

(n) "Shellfish" means all species of any of the following:

(i) Oyster, clams, or mussels whether shucked or in the shell, raw, including postharvest processed, frozen or unfrozen, or whole or in parts.

(ii) Scallops in any form, except when the final product form is the adductor muscle only.

(o) "Skeletal meat" means the meat that is attached to a part of the skeleton, including head and cheek meat.

(p) "Specified risk materials" means items, associated with the nervous system of beef cattle, that are prohibited from human food as defined in 9 CFR 310.22.

(q) "Veal" means meat derived from a calf not more than 1 year of age.

**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."

## **289.7114 Shell eggs.**

Sec. 7114. (1) U.S. standards for shell eggs are adopted by reference.

(2) Eggs described by United States department of agriculture as black rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, stuck yolks, blood rings or embryos beyond blood ring stage, moldy eggs, musty eggs, bloody whites, crusted yolks, eggs with abnormal odors, and any eggs which contain wholly or in part a tainted, disease, filthy, decomposed, or putrid substance are eggs unfit for human food.

(3) A person shall not sell, offer, or expose for sale to the consumer or to the retail trade, or have in his or her possession with intent to sell to the consumer, or to the retail trade, any egg unfit for human food. Such an egg shall be broken out of the shell and denatured or destroyed by methods approved by the director so that it cannot be used for human food.

(4) The final determination of all grade and quality factors of an official sample of shell eggs from domesticated chickens shall be made by visual examination of the egg to determine cleanliness, soundness of shell, and exterior quality, and by candling or breaking to determine interior quality. The examination shall be made by a competent representative authorized by the director. The representative shall certify the results of the examination and his or her certificate shall be prima facie evidence of the facts certified to in any court where the certificate is offered in evidence.

(5) All eggs from domesticated chickens sold, offered, or exposed for sale, or advertised for sale by a retailer or wholesaler shall be marked as follows to conform to the following applicable size requirement:

(a) "Jumbo", if the eggs weigh at the rate of not less than 30 ounces per dozen, with no eggs below the rate of 29 ounces per dozen.

(b) "Extra large", if the eggs weigh at the rate of not less than 27 ounces per dozen, with no eggs below the rate of 26 ounces per dozen.

(c) "Large", if the eggs weigh at the rate of not less than 24 ounces per dozen, with no eggs below the rate of 23 ounces per dozen.

(d) "Medium", if the eggs weigh at the rate of not less than 21 ounces per dozen, with no eggs below the rate of 20 ounces per dozen.

(e) "Small", if the eggs weigh at the rate of not less than 18 ounces per dozen, with no eggs below the rate of 17 ounces per dozen.

(f) "Peewee", if the eggs weigh at the rate of not less than 15 ounces per dozen.

(6) All advertising of eggs shall include the correct unabbreviated size designation in describing eggs. The correct unabbreviated size designation shall also appear on the exterior of any container, open or closed, in which eggs are offered for sale to the retailer or the consumer.

(7) A person shall not by himself or herself or his or her agents sell, offer, or expose for sale, advertise, or in any manner represent for sale as strictly fresh, hennerly, new laid, best, grade A, number 1, fancy, special, extra, selected, direct from the farm, or under any word, figures, symbols, or description of similar import, any eggs which are not fresh. An egg is not considered fresh unless it meets the standards of quality specified for the U.S. AA or A quality, or the equivalent, as designated in U.S. standards for shell eggs for individual eggs or in standards prescribed by the director by rule.

(8) All eggs from domesticated chickens sold, offered or exposed for sale, or advertised for sale by a retailer or wholesaler shall be labeled or marked to conform to one of the following grade requirements:

(a) Eggs that fully meet the specifications of U.S. AA quality or fresh fancy quality, or the equivalent thereof, as described in U.S. standards for shell eggs, shall be labeled and advertised as grade AA or fresh fancy eggs, Michigan seal of quality eggs, grade A or grade B eggs.

(b) Eggs that fully meet the specifications of the U.S. A quality, or the equivalent thereof, as described in U.S. standards for shell eggs, shall be labeled and advertised as grade A or grade B eggs.

(c) Eggs that fully meet the specifications of a U.S. B quality, or the equivalent thereof, as described in U.S. standards for shell eggs, shall be labeled and advertised as grade B eggs.

(d) Eggs that do not meet the grade requirements of subdivision (a), (b), or (c) shall not be offered for sale or sold in the shell. Those eggs may be broken out of the shell at the grading plant or grading station or may be offered for sale or sold to an egg breaking plant.

(9) Eggs shall be held and transported at or below 45 degrees Fahrenheit ambient temperature beginning 36 hours after time of lay. If the eggs are to be processed as table eggs and are not processed for the ultimate consumer within 36 hours from the time of lay and, therefore, are held and transported as required at or below 45 degrees Fahrenheit ambient temperature, then the eggs may be held at room temperature for no more than 36 hours just prior to processing to allow an equilibration step to temper the eggs.

(10) This act does not apply to a person who meets all of the following requirements:

(a) Is directly responsible for producing eggs from fewer than 3,000 hens.

- (b) Only sells eggs directly to consumers or first receivers.
- (c) Only sells eggs in containers that each bear a label stating "packaged in a facility that has not been inspected by the department."
- (d) Does not sell eggs through the internet or by mail order or consignment.

**History:** Add. 2012, Act 178, Eff. Oct. 1, 2012.

### **289.7115 Sausage; contents; definitions; requirements.**

Sec. 7115. (1) Sausage consists only of skeletal meat either fresh, cured, salted, pickled, or smoked. Poultry sausage may contain accompanying skin in natural proportions.

(2) Sausage may contain the following:

(a) Salt or spice, cure agents such as sodium or potassium nitrate or sodium or potassium nitrite, cure accelerators such as sodium erythorbate or ascorbic acid, all that comply with applicable regulations of the United States department of agriculture food safety inspection service or any other curing agents determined appropriate by the department or pursuant to rules promulgated under this act. As used in this subdivision, "curing agent" or "curing accelerator" means any substance added to meat to cause or enhance preservation of the meat product.

(b) Added edible animal fat from the animals specified, eggs or egg products, chives, tomatoes, parsley, peppers, onions, garlic, celery, seasoning, or other natural flavoring, honey, syrup, sugar, pure refined dextrose, or subsequent cooking or smoking.

(c) Not more than 3-1/2% by weight nonfat dry milk, dry whole milk, or calcium-reduced milk if it is declared in conjunction with the product name.

(d) Fruits, vegetables, or nuts, or a combination thereof, if the name of the product is so qualified.

(e) Not less than 12% protein. The protein content requirement shall not apply to pork sausage, breakfast sausage, or roasted sausage but the finished product shall contain not more than 50% of fat. Fresh sausage shall contain no added water, except to facilitate chopping or mixing and in an amount not to exceed 3% of the total ingredients. Cooked sausage shall not exceed 40% fat and added water.

(f) Fresh and fresh frozen sausage, smoked and unsmoked dry sausage, may contain antioxidants such as butylated hydroxyanisole, butylated hydroxytoluene, or propyl gallate, or a combination of these antioxidants, with or without citric acid, in amounts that comply with applicable regulations of the United States department of agriculture food safety inspection service. When such antioxidants are added, the label on the product shall declare the presence of antioxidants in the manner required by the United States department of agriculture food safety inspection service.

(3) Sausage shall not contain any extenders, artificial flavors, artificial color, binders, excess added water or ice, boric acid or borates, sulphites, sulfur dioxide, sulphurous acid, or any other harmful preservative, by-products, or variety meats. Extenders necessary to produce low-fat products may be permitted as described in rules promulgated under this act. No other parts of the animal or any other substance except as above specified shall be permitted in sausage.

(4) Harmless lactic acid bacterial starters may be used in an amount not to exceed 1/2 of 1%. When used, the harmless bacterial starter shall be included in the list of ingredients in the order of its predominance.

(5) The following products are considered to be sausage, whether processed or inserted in either natural or artificial casings or other containers: wieners, bologna, ring bologna, knackwurst, bratwurst, roasted sausage, breakfast sausage, pork sausage, chicken sausage, turkey sausage, leona, beer salami, cooked salami, Polish sausage, minced luncheon, kielbasa, bockwurst, all varieties of dry or semi-dry sausage, and other meat food products prepared in sausage form and excluding loaves, liver products, headcheese, sulze, blood sausage, potato sausage, kishka, tongue sausage, and New York or New England pressed luncheon.

(6) "Fresh pork sausage", "Polish sausage", "fresh kielbasa", and "fresh country-style sausage" are sausages prepared from fresh pork meat.

(7) "Italian sausage" shall be uncured, unsmoked, and contain at least 85% meat or meat and fat with no more than 35% fat. Italian sausage contains fennel or anise and may contain red and green pepper, onion, and garlic. Italian sausage shall be prepared from fresh pork meat.

(8) "Fresh beef sausage" is prepared with fresh beef meat and shall not contain more than 30% fat.

(9) "Poultry sausage or poultry-meat sausage" shall be made from fresh poultry meat containing the natural proportions of light and dark meat unless otherwise designated. The name shall be identified by the species contained if the product contains all its meat from 1 species. It shall not contain more than 30% fat. Poultry-meat sausage shall not contain skin.

(10) "Cervid sausage" shall be made from the meat of cervidae from approved sources. The name shall be identified by the species contained if the product contains all its meat from 1 species, such as "venison sausage" or "elk sausage". A person shall not offer for sale, sell, or expose for sale any other product



described as cervid sausage. Fat of another species and approved source may be added to cervid sausage.

(11) "Wild game sausage" shall be made from or contain wild game. A food establishment shall meet all of the following requirements with respect to wild game sausage:

(a) Wild game sausage shall be identified by the species contained in the product, such as "bear sausage".

(b) Wild game sausage shall not be sold and shall be labeled "not for sale".

(c) A food establishment shall reject for use in wild game sausage any carcass that in whole or in part shows evidence of spoilage or disease.

(d) If wild game that is not butchered by a licensed food establishment is made into wild game sausage containing wild game from more than 1 owner, the final consumer shall be provided with a written advisory stating "made from multiple wild game sources that did not receive whole carcass examination by a licensed food establishment". The text size of the advisory shall be a minimum of 11-point font in a color that provides a clear contrast to the background.

(e) The following categories of foods shall be kept physically separated during storage and shall not be processed, prepared, or held simultaneously in the same space:

(i) Raw wild game butchered by a licensed food establishment.

(ii) Raw wild game from sources other than a licensed food establishment, except when added to raw wild game butchered by a licensed food establishment.

(iii) All other foods, except for foods that are added as ingredients to raw wild game during final product processing.

(f) One of the following requirements shall be met:

(i) Food contact surfaces shall be thoroughly washed, rinsed, and sanitized between the processing of raw wild game butchered by a licensed food establishment, raw wild game not butchered by a licensed food establishment, and any other food.

(ii) Processing shall be done in the following sequence: foods other than raw wild game, raw wild game butchered by a licensed food processor, raw wild game not butchered by a licensed food establishment. After sequential processing, food contact surfaces shall be thoroughly washed, rinsed, and sanitized.

**History:** 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2007, Act 114, Eff. Apr. 1, 2008;—Am. 2014, Act 428, Imd. Eff. Dec. 30, 2014.

**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."

### **289.7117 Hamburger or ground beef; contents.**

Sec. 7117. Hamburger or ground beef consists of fresh beef meat that has been comminuted and shall be identified as either hamburger or ground beef. Hamburger shall not contain more than 30% of fat. Ground beef shall meet the same requirements as hamburger except that it shall not contain more than 20% of fat. Monosodium glutamate may be added if declared. Hamburger may contain added beef fat, but ground beef shall not contain added fat. Ground beef and hamburger shall not contain added water or ice. Only ground beef may be qualified by the name of a particular cut of meat, such as "ground beef round" or "ground beef chuck". If so qualified, it shall consist entirely of meat from the particular meat cut and be certified as that specific cut by a method of certification as the director may establish by rule. Hamburger or ground beef shall not contain by-products or variety meats, binders, extenders, artificial color, vegetable coloring, chemical preservative, boric acid or borates, sulphites, sulfur dioxide, or sulphurous acid. No other parts of the animal or any other substance except as otherwise provided in this subsection is permitted in hamburger or ground beef.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**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."

### **289.7119 Other comminuted meat food products; compliance with federal regulations.**

Sec. 7119. Other comminuted meat food products, including nonspecific loaves and liver products, headcheese, blood sausage, kishka, tongue sausage, chili con carne with beans, or any other meat food products that may be allowed, shall be produced in compliance with applicable regulations of the United States department of agriculture food safety inspection service.

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

**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.”

### **289.7121 Chili or chili con carne; contents.**

Sec. 7121. Chili or chili con carne shall consist of not less than 40% of meat computed on the weight of the fresh meat and shall not contain by-products and variety meats except that head meat, cheek meat, and heart meat, exclusive of the heart cap, may be used to the extent of 25% of the meat ingredients with specific declaration on the label. The mixture may contain not more than 8%, individually or collectively, of cereal, vegetable starch, vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, calcium reduced dry skim milk, nonfat dry milk solids, or seasoning. Chili con carne shall not contain binders, artificial color, vegetable coloring, chemical preservative, boric acid or borates, sulphites, sulfur dioxide, or sulphurous acid. No other parts of the animal are permitted in chili con carne.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**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.”

### **289.7123 Meat loaf; contents.**

Sec. 7123. Meat loaf consists of comminuted meat, processed in the form of a loaf, containing not less than 65% meat. Meat loaf mix consists of meat loaf sold in bulk uncooked form. Meat loaf may contain salt, seasoning, sodium or potassium nitrate, ascorbic acid, or the salts thereof, sodium or potassium nitrite, cereal vegetables, vegetable protein, nonfat dry milk solids, soy flour, eggs or egg products, macaroni, cheese, condiments, nuts, fruits, or gelatin. Binders and extenders shall not exceed 12% of the product. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3% of the total ingredients. Meat loaf shall not contain by-products of variety meats, artificial flavors or color, vegetable coloring, chemical preservative, boric acid or borates, sulfur dioxide, sulphites, or sulphurous acid. No other substance is permitted in meat loaf or meat loaf mix, except as otherwise provided in this section.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**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.”

### **289.7125 Ground lamb, chicken, turkey, and veal; contents.**

Sec. 7125. Ground lamb, chicken, turkey, and veal shall not contain any added water or ice, artificial flavoring, by-products or variety meats, binders, extenders, artificial color, vegetable coloring, or chemical preservatives. No other parts of the animal or any other substance shall be permitted except as follows:

(a) Ground lamb shall consist of comminuted fresh lamb meat, with or without added lamb fat, and shall not contain more than 25% fat.

(b) Ground poultry shall consist of comminuted fresh poultry meat, with or without accompanying skin in natural proportions, with or without added poultry fat, and shall not contain more than 20% fat. The name shall be identified by the species contained in the product.

(c) Ground poultry meat shall consist of comminuted fresh poultry meat, with or without added poultry fat, and shall not contain more than 15% fat. The name shall be identified by the species contained in the product.

(d) Ground veal shall consist of comminuted fresh veal meat, with or without added veal fat, and shall not contain more than 20% fat.

(e) Ground pork shall consist of comminuted fresh pork with or without the addition of pork fat as such and shall not contain more than 30% fat. Ground pork shall not contain extenders, binders, variety meats, by-products, added water or ice, artificial flavor or color, vegetable coloring, chemical preservative, boric acid or borates, sulphites, sulfur dioxide, or sulphurous acid. No other parts of the animal or any other substance is permitted in ground pork.

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

**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.”

### **289.7127 Meat pattie; contents.**

Sec. 7127. "Meat pattie" is a product prepared in pattie form. "Meat pattie mix" is a product sold in bulk uncooked form. Meat patties and meat pattie mix are a mixture of fresh comminuted meat with or without the addition of fat and seasonings and containing not less than 65% meat. Binders and extenders may be used up to 12% of the finished product. Meat pattie and meat pattie mix shall not contain artificial color or flavor, by-products or variety meats, added water or ice, or more than 30% fat. Meat patties and meat pattie mix with fruits, vegetables, nuts, or mushrooms, either as a coating or ingredient, are permitted if labeled and advertised as "meat patties with \_\_\_\_\_", inserting the common or usual name of the addition.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**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.”

### **289.7129 Food subject to standards; identification; common or usual name.**

Sec. 7129. (1) If a food is subject to a standard established under this chapter, it shall be identified by the name required by that standard. If no standard applies, the product shall be identified by its common or usual name. If no common or usual name exists, the product shall be identified by an appropriately descriptive name that is not misleading and that accurately identifies or describes, in as simple and direct terms as possible, the basic nature of the food and its characterizing ingredients or properties. A product manufactured or sold under the provisions of this act, which is sold in closed or sealed packages shall bear a complete label. The label shall bear the true name of the product as defined in this act, an ingredient statement if the product contains more than 1 ingredient, the net weight of the product, and the name and address of the manufacturer.

(2) Products sold from bulk retail displays shall bear a sign or placard containing the true and approved name of the product. If the product contains more than 1 ingredient, an ingredient statement shall be placarded, posted, or otherwise available for the customer in written form.

(3) Meat products using antioxidants shall indicate on the label, or in the absence of a label an adjacent placard, their presence and purpose.

(4) Meat products containing monosodium glutamate, hydrolyzed vegetable protein, or any other source of monosodium glutamate shall indicate on the label or, in the absence of a label, an adjacent placard in its presence.

(5) The meat ingredients in a meat product that specifies 1 type of meat in its name, such as ham loaf, pork loaf, veal patties, or turkey sausage, shall be entirely from the species indicated in the product name. The meat in a meat product that specifies more than 1 type of meat in its name, such as beef and turkey sausage, shall be entirely from the types indicated, and shall contain at least 20% of each meat. A meat product that contains a type of meat consisting of less than 20% of that meat may be labeled as "(product) \_\_\_\_\_ added" or "product with \_\_\_\_\_", inserting the common name of that meat. Sausage labeled or advertised as all meat or



all beef shall not contain any nonfat dry milk solids or dry whole milk.

(6) All required words and numbers shall be legible to potential customers.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**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."

### **289.7131 Federally inspected meats; preemption of state ingredient standards.**

Sec. 7131. A person shall not sell or offer for sale a product that is not manufactured to the ingredient standards of this act unless the federal government legally preempts Michigan's ingredient standards. In that case, federally inspected meats not meeting the ingredient requirements of this act shall be identified as federally inspected on intact, sealed packaging from the federally inspected location.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**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."

### **289.7133 Artificial casings or containers; products considered as adulterated.**

Sec. 7133. (1) All products manufactured under terms of this chapter may be sold in colored artificial casings or containers only if the products are in complete compliance with all applicable regulations of the United States department of agriculture. These products shall not be sold in colored natural casings.

(2) In addition to the requirements of section 1105(1)(a), any product manufactured under the terms of this chapter is adulterated if it is the product of an animal which has died otherwise than by slaughter.

**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."

### **289.7135 Experimental packs of food; temporary permits.**

Sec. 7135. (1) Temporary permits granted for interstate shipment of experimental packs of food varying from the requirements of federal definitions and standards of identity are automatically effective in this state under the conditions provided in such permits.

(2) The department may issue additional temporary permits where they are necessary to the completion or conclusiveness of an otherwise adequate investigation and where the interests of consumers are safeguarded.

(3) Such temporary permits are subject to the terms and conditions the department may prescribe by rule.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**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."

### **289.7137 Food additives; limitation.**

Sec. 7137. Food shall not contain unapproved food additives or additives that exceed amounts specified in 21 CFR parts 170 to 180 relating to food additives, generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21 CFR parts 181 to 186, substances that exceed amounts

established under applicable regulations of the United States department of agriculture food safety inspection service, or pesticide residues that exceed provisions specified in 40 CFR part 180.

**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.”