

# HOUSE BILL No. 5800

May 22, 1990, Introduced by Rep. Jacobetti and referred to the Committee on Appropriations.

A bill to amend sections 2 and 3 of Act No. 328 of the Public Acts of 1978, entitled "Food processing act of 1977," section 2 as amended by Act No. 200 of the Public Acts of 1984 and section 3 as amended by Act No. 131 of the Public Acts of 1986, being sections 289.802 and 289.803 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 2 and 3 of Act No. 328 of the Public  
2 Acts of 1978, section 2 as amended by Act No. 200 of the Public  
3 Acts of 1984 and section 3 as amended by Act No. 131 of the  
4 Public Acts of 1986, being sections 289.802 and 289.803 of the  
5 Michigan Compiled Laws, are amended to read as follows:

6       Sec. 2. As used in this act:

1 (a) "Department" means the department of agriculture.

2 (b) "Director" means the director of the department of  
3 agriculture.

4 (c) "Food" means items used for human consumption and the  
5 components of those items, but does not include alcoholic bever-  
6 ages, drugs, or medicines.

7 (d) "Person" means an individual, partnership, firm, or cor-  
8 poration operating within the state.

9 (e) "Certified health department" means any county, dis-  
10 trict, or city health department ~~which~~ THAT meets the criteria  
11 for certification of health departments ~~as~~ established by rule  
12 and ~~which~~ THAT is authorized by the director to enforce the  
13 provisions of this act and the provisions of any rules as pro-  
14 vided for in section 5.

15 (f) "Grocery items" means prepackaged foods that are offered  
16 for sale for other than immediate consumption. Grocery items  
17 does not include comminuted meats.

18 (G) "FOOD AREA" MEANS THE AREA IN SQUARE FEET OF A FOOD  
19 ESTABLISHMENT THAT IS DEVOTED TO PROCESSING, PACKING, REPACKING,  
20 CANNING, PRESERVING, FREEZING, FABRICATING, STORING, SELLING, OR  
21 THE OFFERING FOR SALE OF FOOD AND THAT IS SUBJECT TO INSPECTION  
22 UNDER THIS ACT.

23 (H) "TEMPORARY FOOD ESTABLISHMENT" MEANS A FOOD ESTABLISH-  
24 MENT WITH A FOOD AREA OF ANY SIZE THAT OPERATES AT A FIXED LOCA-  
25 TION FOR A TIME NOT TO EXCEED 14 CONSECUTIVE DAYS IN A YEAR.

26 Sec. 3. (1) Before a person engages in processing, packing,  
27 repacking, canning, preserving, freezing, fabricating, storing,

1 selling, or the offering for sale of food, the person shall  
2 obtain a license from the department for each FOOD establishment  
3 operated by that person at which those activities occur. Only 1  
4 license is required for a combination of ~~the above enumerated~~  
5 THESE operations at a single location.

6 (2) A license expires annually on March 31 and shall be  
7 renewed before April 1 of each year unless suspended, denied, or  
8 revoked by the department.

9 (3) ~~The fee for a license is \$15.00 for each year or por-~~  
10 ~~tion of a year.~~ THE LICENSE FEE FOR EACH YEAR OR PORTION OF A  
11 YEAR IS AS FOLLOWS:

12 (A) TWENTY FIVE DOLLARS FOR A FAIR CONCESSION, A TEMPORARY  
13 FOOD ESTABLISHMENT, A FOOD ESTABLISHMENT WITH A FOOD AREA OF ANY  
14 SIZE PERFORMING ANY COMBINATION OF THE OPERATIONS LISTED IN  
15 SUBSECTION (1) ON FOOD PRIMARILY OF THE PERSON'S OWN HARVEST, OR  
16 A FOOD ESTABLISHMENT WITH A FOOD AREA OF LESS THAN 1,000 SQUARE  
17 FEET.

18 (B) FIFTY DOLLARS FOR A FOOD ESTABLISHMENT WITH A FOOD AREA  
19 OF 1,000 SQUARE FEET OR MORE.

20 (4) Beginning January 1, 1987, a late fee shall be imposed  
21 by the department. The late fee for a renewal application post-  
22 marked or delivered in person beginning April 1 of each year  
23 shall be an additional \$10.00 for each business day the applica-  
24 tion is late. The late fee for a new application submitted after  
25 the establishment has opened for business shall be an additional  
26 \$10.00 for each business day the application is late. A late fee  
27 shall not exceed \$100.00. A license shall not be issued or

1 renewed until the fee and any late fee which is due has been  
2 paid. A hearing shall not be required ~~prior to~~ BEFORE refusal  
3 to issue or renew a license under this ~~subsection~~ SECTION. The  
4 department may waive the late fee for producers of maple syrup,  
5 honey, and other seasonal agricultural products provided the  
6 license application is submitted not less than 30 days before  
7 engaging in the processing, packing, freezing, storing, selling,  
8 or offering for sale the food or drink. The fee shall be  
9 retained by any certified health department or in an area where  
10 there is no certified health department by the department. Fees  
11 collected shall be used for administrative and enforcement needs  
12 of this act.

13 (5) ~~(4)~~ An application for a license shall be made to the  
14 department or to a certified health department upon a form fur-  
15 nished by the department. The completed form shall contain the  
16 information requested by the department and shall be accompanied  
17 by the fee specified in subsection (3) OR (4).

18 (6) ~~(5)~~ A city, county, or other local unit of government  
19 shall not impose licensing provisions for persons REGULATED under  
20 this act.

21 (7) ~~(6)~~ A license shall not be granted under this act to a  
22 person engaged in the canning, preserving, or freezing of fruits  
23 and vegetables unless the licensee or applicant for a license has  
24 reimbursed producers for fruits and vegetables purchased within  
25 the previous calendar year, unless otherwise provided by written  
26 contract.