

# HOUSE BILL NO. 5747

February 15, 2022, Introduced by Reps. Posthumus, Alexander, Hertel, Steenland, Borton, Cambensy, Liberati, Roth, Filler and Bezotte and referred to the Committee on Agriculture.

A bill to amend 2001 PA 267, entitled  
"Manufacturing milk law of 2001,"  
(MCL 288.561 to 288.740) by adding section 92.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **Sec. 92. (1) To facilitate continued access to markets for**  
2 **milk and dairy products, the department may do 1 or both of the**  
3 **following:**

4           **(a) At the request of a processor or based upon records**  
5 **voluntarily supplied by a processor, inspect, audit, or certify a**

1 dairy plant where milk or dairy products are processed,  
2 pasteurized, or aseptically processed in this state.

3 (b) Issue certificates of free sale under subsection (3).

4 (2) A processor shall submit an application for a certificate  
5 of free sale on a form and in a manner prescribed by the  
6 department.

7 (3) The department shall grant or deny an application for a  
8 certificate of free sale within 10 business days after the  
9 department receives a completed application under subsection (2)  
10 and the application fee under subsection (4). If the department  
11 determines that the application meets the requirements of this act  
12 and the rules promulgated under this act, the department shall  
13 issue a certificate of free sale. If the department determines that  
14 the application does not meet the requirements of this act or the  
15 rules promulgated under this act, the department shall deny the  
16 application and send a written notice to the processor stating the  
17 reasons for the denial.

18 (4) If a certificate of free sale is issued under subsection  
19 (3), the processor shall pay the department the following fees, as  
20 applicable:

21 (a) An application fee, \$60.00.

22 (b) A duplicate copy of a certificate of free sale, \$10.00.

23 (5) A fee collected under subsection (4) must be deposited in  
24 the dairy and food safety fund created in section 4117 of the food  
25 law of 2000, MCL 289.4117.

26 (6) A certificate of free sale issued under this section is  
27 valid for 1 year.

28 (7) As used in this section, "certificate of free sale" means  
29 a document that is issued by the department that verifies that the

1 milk or dairy product listed is processed, pasteurized, or  
2 aseptically processed in this state and is legally sold or  
3 distributed in this state and on the open market with the approval  
4 of the department.