

**SUBSTITUTE FOR
HOUSE BILL NO. 4205**

A bill to amend 2000 PA 92, entitled
"Food law,"
by amending section 1111 (MCL 289.1111), as amended by 2018 PA 92.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1111. As used in this act:

2 **(a) "Qualified premises" means a tasting room, as that term is**
3 **defined in section 113 of the Michigan liquor control code of 1998,**
4 **1998 PA 58, MCL 436.1113.**

5 **(b) ~~(a)~~**"Raw agricultural commodity" means any food in its raw
6 or natural state including fruits that are washed, colored, or
7 otherwise treated in their unpeeled natural form before marketing.

8 **(c) ~~(b)~~**"Regulatory authority" means the department, the local
9 health department, or the authorized representative having



1 jurisdiction over the food establishment.

2 **(d)** ~~(e)~~ "Retail food establishment" means an operation that
3 sells or offers to sell food directly to a consumer. Retail food
4 establishment includes both a retail grocery and a food service
5 establishment, but does not include a food processor.

6 **(e)** ~~(d)~~ "Retail grocery" means an operation that sells or
7 offers to sell food to consumers for off-premises consumption. Food
8 for off-premises consumption does not include take-out food
9 intended for immediate consumption.

10 **(f)** ~~(e)~~ "Rules" means administrative rules promulgated under
11 this act ~~pursuant to~~ **in accordance with** the administrative
12 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

13 **(g)** ~~(f)~~ "Shellfish dealer" means an interstate wholesaler
14 handling shellfish.

15 **(h)** ~~(g)~~ "Shellfish dealer certification" means the issuance of
16 a numbered certificate to a person ~~indicating that~~ **indicates** that
17 the person is in compliance with the requirements of the guide for
18 the control of molluscan shellfish and ~~that the person has~~
19 permission from the department to conduct 1 or more of the
20 following shellfish activities, as defined in the guide for the
21 control of molluscan shellfish:

22 (i) Shellstock shipper.

23 (ii) Shucker packer.

24 (iii) Repacker or reshipper.

25 **(i)** ~~(h)~~ "Smoked fish rules" means R 285.569.1 to R 285.569.19
26 of the Michigan Administrative Code.

27 **(j)** ~~(i)~~ "Special transitory food unit" means a temporary food
28 establishment that is licensed to operate throughout ~~the~~ **this** state
29 without the 14-day limits or a mobile food establishment that is



1 not required to return to a commissary.

2 **(k)** ~~(j)~~—"Staple foods" does not include accessory foods, such
3 as coffee, tea, cocoa, soda, noncarbonated drinks, such as sports
4 drinks, punches, and flavored waters, candy, condiments, spices,
5 hot foods, or foods ready to go or made to take out, such as
6 prepared sandwiches or salads.

7 **(l)** ~~(k)~~—"Sulfiting agents" means any of the following:

8 (i) Sulfur dioxide.

9 (ii) Sodium sulfite.

10 (iii) Sodium bisulfite.

11 (iv) Potassium bisulfite.

12 (v) Sodium metabisulfite.

13 (vi) Potassium metabisulfite.

14 **(m)** ~~(l)~~—"Temporary food establishment" means a food
15 establishment that operates at a fixed location for a temporary
16 period not to exceed 14 consecutive days.

17 **(n)** ~~(m)~~—"Temporary license" means a written authorization
18 issued by the director to operate for a specified limited time
19 period.

20 **(o)** ~~(n)~~—"Transient tenant" means ~~a person~~ **an individual** who
21 rents a room in a bed and breakfast for fewer than 30 consecutive
22 days.

23 **(p)** ~~(o)~~—"Trimming" means removing leaves, roots, and other
24 extraneous materials in preparation for grading, sorting, and sale
25 as a whole fruit or vegetable. Trimming does not remove the peel or
26 core and does not further cut the whole fruit or vegetable.

27 **(q)** ~~(p)~~—"U.S. standards for shell eggs" means "United States
28 Standards, Grades, and Weight Classes for Shell Eggs", AMS 56 (July
29 20, 2000), United States Department of Agriculture.



1 **(r)** ~~(q)~~ "Vending company base location" means a vending
 2 machine location or other food establishment required to be
 3 separately licensed under section 4105(5).

4 **(s)** ~~(r)~~ "Vending machine" means a self-service device that,
 5 ~~upon insertion of~~ **after inserting** a coin, paper currency, token,
 6 card, or key, or by manual operation, dispenses ~~a unit serving~~
 7 **serving** of food in bulk or in ~~packages~~ **a package** without the
 8 necessity of replenishing the device between each vending
 9 operation. Vending machine does not include any of the following:

10 (i) A device that dispenses only bottled or canned soft drinks;
 11 other packaged nonperishable foods or beverages; or bulk ball gum,
 12 nuts, and panned candies.

13 (ii) A ~~water dispensing~~ **water dispensing** machine that is
 14 registered under ~~chapter IV.~~ **section 4115.**

15 **(t)** ~~(s)~~ "Vending machine location" means the room, enclosure,
 16 space, or area in which 1 or more vending machines are installed
 17 and operated, or a micro market.

18 **(u)** ~~(t)~~ "Wholesale" means selling other than directly to
 19 consumers.

20 **(v)** ~~(u)~~ "Wild game" means animals from their natural state and
 21 not cultivated, domesticated, or tamed.

22 Enacting section 1. This amendatory act does not take effect
 23 unless House Bill No. ____ (request no. H00703'25) of the 103rd
 24 Legislature is enacted into law.

