



**House
Legislative
Analysis
Section**

Washington Square Building, Suite 1025
Lansing, Michigan 48909
Phone 517/373-6466

EXEMPT CERTAIN TEMPORARY FOOD SERVICES

House Bill 4522 as passed by the House
Second Analysis (8-11-87)

Sponsor: Rep. Alvin J. Hoekman
Committee: Public Health

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THE APPARENT PROBLEM:

Under present law, caterers who prepare food on their licensed premises to be served elsewhere are required to obtain temporary food establishment licenses for each of the locations at which they intend to serve food. Since the food is already prepared in a licensed, inspected location and is transported and served by employees of that licensed establishment, the kinds of public health concerns that arise when food is actually prepared at unlicensed, uninspected temporary locations do not apply. And yet, for some caterers, this requirement could mean licensing fees of between \$200 and \$500 a week to local health departments just for this part of their catering business alone. At the request of one such catering establishment, legislation has been introduced which would remove this unnecessary licensing requirement.

The Department of Public Health also recommends deregulating portion of the food service industry where little or no public health risk exists.

THE CONTENT OF THE BILL:

The bill would amend the section of the Public Health Code regulating food service establishments to do two separate things: It would exempt certain temporary food service establishments (those serving non-potentially hazardous foods or beverages) from having to be licensed and it would allow caterers' licenses to cover certain temporary locations at which food prepared at the caterers' establishment was served.

Under the bill, a temporary food service establishment would not have to be licensed under the code if (a) the food were prepared in a licensed food service establishment and taken by employees of the licensed establishment to a fixed, temporary serving location, where it would be served by the employees, and if (b) no food preparation were done at the temporary location.

The bill also would exempt from the licensing requirements of the code temporary food service establishments that (a) used only utensils designed to be used once and discarded and (b) served only food that was not "potentially hazardous" (defined in the bill as being capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms). Examples of potentially hazardous foods listed in the bill are milk and milk products, eggs, meat, poultry, fish, shellfish, and edible crustacea. Thus, for example, church lemonade or coffee stands would not have to be licensed as temporary food establishments, nor community center movies at which popcorn was served.

MCL 333.12901 and 333.12904

FISCAL IMPLICATIONS:

The Department of Public Health estimates that approximately \$500 to \$1,000 a year would be lost to the state from the loss of the one dollar license fee that owners and operators of temporary food service establishments

are required to pay the state in addition to the local health department fees. (5-7-87)

ARGUMENTS:

For:

The separate licensing of a food serving location, when the food is prepared in a licensed facility and transported to another location by employees of the licensed facility who set up necessary equipment and serve the food, is redundant. The present licensing requirement causes an unnecessary burden on the caterer, who must apply and pay for the temporary license, and the local health department, which must inspect the serving location and issue the license. Such serving locations should be permitted to operate under the license issued to the facility where the food was initially prepared.

For:

Since temporary food service establishments which serve only non-potentially hazardous foods (such as lemonade or popcorn) in "single service" containers pose little or no risk in the spread of bacterial and viral foodborne diseases, licensing and inspection under the auspices of public health and disease prevention should not be continued.

POSITIONS:

The Department of Public Health strongly supports the bill. (8-12-87)

H.B. 4522 (8-11-87)