

**SUBSTITUTE FOR
SENATE BILL NO. 595**

A bill to amend 2000 PA 92, entitled
"Food law of 2000,"
by amending sections 4111, 4113, 4116, 4117, 4125, 5101, 5105,
5107, 6101, 6115, 6129, 6137, 6147, 6149, 7105, 7113, 7115, 7119,
7125, 7137, 8105, and 8107 (MCL 289.4111, 289.4113, 289.4116,
289.4117, 289.4125, 289.5101, 289.5105, 289.5107, 289.6101,
289.6115, 289.6129, 289.6137, 289.6147, 289.6149, 289.7105,
289.7113, 289.7115, 289.7119, 289.7125, 289.7137, 289.8105, and
289.8107), sections 4111, 4117, 6101, and 6149 as amended by 2002
PA 487 and section 4116 as added by 2004 PA 267, and by adding
sections 6140, 6150, and 7106.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4111. (1) The department shall impose the following
2 license fees for each year or portion of a year:

- 1 (a) Retail food establishment: \$67.00.
2 (b) Extended retail food establishment: \$172.00.
3 (c) Wholesale food processor: \$172.00.
4 (d) Limited wholesale food processor: \$67.00.
5 (e) Mobile food establishment: \$172.00.
6 (f) Temporary food establishment: \$25.00.
7 (g) Special transitory food unit: ~~\$117.00~~-\$135.00.
8 (h) Mobile food establishment commissary: \$172.00.
9 (i) Food warehouse: \$67.00.
10 (j) Food service establishment: the amounts described in
11 subsection (2).

12 (2) If a local health department no longer conducts a food
13 service sanitation program, the department, in consultation with
14 the commission of agriculture, shall set the food sanitation fees
15 to be imposed for the department's services performed under
16 subsection (1)(j). The fees imposed shall equal, as nearly as
17 possible, 1/2 of the department's cost of providing the service.
18 The conduct of the services resulting from a cessation of a food
19 service sanitation program is considered an imminent or substantial
20 hazard that allows the department to impose the service fees for up
21 to 12 months after the date of cessation by the local health
22 department. After the 12-month period, the department shall collect
23 the fees only in the amount provided by amendment of this act or as
24 authorized pursuant to appropriation.

25 (3) **ANY LICENSE FEE PAID ON AN INITIAL APPLICATION IS**
26 **NONREFUNDABLE.**

27 (4) **THE DEPARTMENT MAY CHARGE A CONVENIENCE FEE AND COLLECT**

1 FROM THE APPLICANT ANY ADDITIONAL COSTS ASSOCIATED WITH THE METHOD
2 OF FEE PAYMENT FOR THE LICENSE OR PERMIT FEES DESCRIBED IN THIS
3 CHAPTER, NOT TO EXCEED THE COSTS TO THE DEPARTMENT.

4 Sec. 4113. (1) The department shall impose, for a renewal
5 application postmarked or delivered in person beginning May 1 of
6 each year, a late fee of an additional \$10.00 for each business day
7 the application is late. The late fee for a new application
8 submitted after the establishment has opened for business is an
9 additional \$10.00 for each business day the application is late.
10 The total late fee shall not exceed \$100.00.

11 (2) The department shall not issue or renew a license until
12 the fee and any late fee, **REINSPECTION FEES, AND FINES** have been
13 paid. A hearing is not required regarding the department's refusal
14 to issue or renew a license under this section **EXCEPT AS ALLOWED**
15 **UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL**
16 **24.201 TO 24.328.**

17 (3) The department may waive the late fee for producers of
18 maple syrup, honey, and other seasonal agricultural products if the
19 license application is submitted not less than 30 days before the
20 applicant engages in processing, packing, freezing, storing,
21 selling, or offering for sale the food or drink described in this
22 subsection.

23 (4) The late fee shall be retained by any certified health
24 department or, in an area where there is no certified health
25 department, by the department.

26 (5) The department shall use the late fee for the
27 administration and enforcement of this act.

1 Sec. 4116. (1) Beginning the effective date of the amendatory
2 act that added this subsection and notwithstanding any other
3 provision of this act, the department shall issue an initial
4 license not later than 90 days after the applicant files a
5 completed application and shall issue a renewal license not later
6 than 120 days after the applicant files a completed application.
7 Receipt of the application is considered the date the application
8 is received by any agency or department of the state of Michigan.
9 If the application is considered incomplete by the department, the
10 department shall notify the applicant in writing, or make the
11 information electronically available, within 30 days after receipt
12 of the incomplete application, describing the deficiency and
13 requesting the additional information. The period regarding license
14 issuance and renewal is tolled upon notification by the department
15 of a deficiency until the date the requested information is
16 received by the department. The determination of the completeness
17 of an application does not operate as an approval of the
18 application for the license and does not confer eligibility upon an
19 applicant determined otherwise ineligible for issuance of a
20 license.

21 (2) If the department fails to issue or deny a license within
22 the time required by this section **TO AN ESTABLISHMENT THAT IS**
23 **OTHERWISE READY TO OPERATE AND IS PREVENTED FROM OPERATING**, the
24 department shall return the license fee and shall reduce the
25 license fee for the applicant's next renewal application, if any,
26 by 15%. The failure to issue a license within the time required
27 under this section does not allow the department to otherwise delay

1 the processing of the application, and that application, upon
2 completion, shall be placed in sequence with other completed
3 applications received at that same time. The department shall not
4 discriminate against an applicant in the processing of the
5 application based upon the fact that the license fee was refunded
6 or discounted under this subsection.

7 (3) Beginning October 1, 2005, the director of the department
8 shall submit a report by December 1 of each year to the standing
9 committees and appropriations subcommittees of the senate and house
10 of representatives concerned with agricultural and food issues. The
11 director shall include all of the following information in the
12 report concerning the preceding fiscal year:

13 (a) The number of initial and renewal applications the
14 department received and completed within the appropriate time
15 period described in subsection (1).

16 (b) The number of applications denied.

17 (c) The number of applicants not issued a license within the
18 appropriate time period and the amount of money returned to
19 licensees and registrants under subsection (2).

20 (4) As used in this section, "completed application" means an
21 application complete on its face and submitted with any applicable
22 licensing fees as well as any other information, records, approval,
23 security, or similar item required by law or rule from a local unit
24 of government, a federal agency, or a private entity but not from
25 another department or agency of the state of Michigan. In the case
26 of an initial application, completed application includes the
27 completion of construction or renovation of any facility and the

1 passing of a satisfactory ~~inspection~~ **EVALUATION**.

2 Sec. 4117. (1) Except as provided in subsections (2) and (3),
3 money collected under this chapter by the department shall be
4 credited to the ~~general fund of the state~~ **DAIRY AND FOOD SAFETY**
5 **FUND THAT IS CREATED AS A RESTRICTED FUND WITHIN THE STATE**
6 **TREASURY. THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS,**
7 **FROM APPROPRIATIONS OR FROM ANY OTHER SOURCE, FOR DEPOSIT INTO THE**
8 **FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND.**
9 **THE MONEY IN THE FUND SHALL NOT LAPSE TO THE GENERAL FUND AT THE**
10 **END OF THE FISCAL YEAR AND SHALL CARRY OVER TO THE FOLLOWING FISCAL**
11 **YEARS. THE STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND**
12 **EARNINGS FROM FUND INVESTMENTS. THE DEPARTMENT SHALL ADMINISTER THE**
13 **FUND AND SHALL EXPEND MONEY FROM THE FUND FOR THE PURPOSE OF**
14 **ADMINISTERING THIS ACT AND ENFORCING THE PROVISIONS OF THIS ACT,**
15 **THE GRADE A MILK LAW OF 2001, 2001 PA 266, MCL 288.471 TO 288.540,**
16 **AND THE MANUFACTURING MILK LAW OF 2001, 2001 PA 267, MCL 288.561 TO**
17 **288.740. THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR**
18 **AUDITING PURPOSES.**

19 (2) A consumer food safety education fund is created as a
20 revolving fund in the department of treasury. The consumer food
21 safety education fund shall be administered by the department and
22 funded by adding \$3.00 to the fee for each food establishment
23 license in all categories except vending machines and in cases of
24 fee-exempt food establishments. The money in the fund shall be used
25 to provide statewide training and education to consumers on food
26 safety. An advisory committee consisting of at least 9 people
27 representing consumers, industry, government, and academia shall

1 advise the department on the use of the funds. Money remaining in
2 the fund at the end of the fiscal year shall be carried forward
3 into the next fiscal year.

4 (3) An industry food-safety education fund is created as a
5 revolving fund in the department of treasury. The industry food-
6 safety education fund shall be administered by the department and
7 funded by adding \$2.00 to the fee for each food service
8 establishment license in all categories except vending machines and
9 in cases of fee-exempt food establishments. The money in the fund
10 shall be used to provide food safety training and education to food
11 service establishment employees and agents of the director who
12 enforce this act. The advisory committee created in subsection (2)
13 shall advise the department on the use of the funds. Money
14 remaining in the fund at the end of the fiscal year shall be
15 carried forward into the next fiscal year.

16 (4) As used in this section, "fee-exempt food establishment"
17 means a food establishment exempt from all state and local food
18 establishment license fees under ~~either of the following~~
19 ~~circumstances:~~

20 ~~— (a) The education institution exemption under section 3119(4).~~

21 ~~— (b) A nonprofit organization that has an exemption under~~
22 ~~section 3119(5)—3119(4) combined with an exemption from the local~~
23 ~~health department sanitation service fee under section 2444 of the~~
24 ~~public health code, MCL 333.2444.~~

25 Sec. 4125. (1) Before a food establishment license is issued,
26 the director shall determine if the applicant meets the minimum
27 requirements of this act and rules promulgated under this act.

1 (2) After an opportunity for a hearing pursuant to the
2 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
3 24.328, the director may revoke or suspend a food establishment
4 license or a registration for bottled water issued under this act
5 for failure to comply with requirements of this act or a rule
6 promulgated under this act. A person whose registration for bottled
7 water is revoked or suspended shall discontinue the sale and
8 offering for sale of the bottled water until he or she complies
9 with this act and the director issues a new registration or removes
10 the suspension.

11 **(3) FOR A PERSON WHOSE FOOD ESTABLISHMENT LICENSE HAS BEEN**
12 **REVOKED FOR EGREGIOUS VIOLATIONS UNDER SECTION 5101(A), (B), (C),**
13 **OR (K), THE DIRECTOR MAY REFUSE TO ISSUE OR REISSUE A LICENSE TO**
14 **ANY ESTABLISHMENT IN WHICH THAT PERSON HAS OWNERSHIP OR MANAGEMENT**
15 **INTEREST FOR A PERIOD OF 2 YEARS.**

16 (4) ~~(3)~~—Based upon facts submitted by a person familiar with
17 those facts or upon information and belief alleging that an
18 imminent threat to the public health, safety, or welfare exists,
19 the director may summarily suspend a license or registration issued
20 under this act. A person whose license or registration has been
21 summarily suspended under this section may petition the director to
22 dissolve the order. Upon receipt of such a petition, the director
23 shall immediately schedule a hearing to decide whether to grant or
24 deny the petition to dissolve. The presiding officer shall grant
25 the requested relief dissolving the summary suspension order unless
26 sufficient evidence is presented that an imminent threat to the
27 public health, safety, or welfare exists requiring emergency action

1 and continuation of the director's summary suspension order.

2 Sec. 5101. (1) A person shall not do or cause to be done any
3 of the following:

4 (a) Manufacture, sell, deliver, hold, or offer for sale
5 adulterated or misbranded food.

6 (b) Adulterate or misbrand food.

7 (c) Receive in commerce food that is adulterated or misbranded
8 and deliver or proffer the delivery of that food for pay or
9 otherwise.

10 (d) Sell, deliver for sale, hold for sale, or offer for sale
11 food unless that person holds a license issued under chapter IV.

12 (e) Disseminate a false advertisement.

13 (f) Refuse to permit entry or ~~inspection~~**EVALUATION**, or to
14 permit the taking of a sample, as authorized by section 2111.

15 (g) Give a false guaranty or undertaking, except by a person
16 who relied on a guaranty or undertaking to the same effect signed
17 by and containing the name and address of the person from whom he
18 or she received the food in good faith.

19 (h) Remove or dispose of seized or embargoed food in violation
20 of section 2105.

21 (i) Alter, mutilate, destroy, obliterate, or remove all or
22 part of the label or do any other act with respect to a food while
23 the food is held for sale resulting in the food being adulterated
24 or misbranded.

25 (j) Forge, counterfeit, simulate, or falsely represent, or
26 without proper authority use any mark, stamp, tag, label, or other
27 identification device authorized or required by this act or rules

1 promulgated under this act.

2 (k) Permit filthy or insanitary conditions to exist in a food
3 establishment in which food intended for human consumption is
4 manufactured, received, kept, stored, served, sold, or offered for
5 sale.

6 (l) Falsely identify a country, state, or other place of origin
7 of food on a label, tag, or other document with intent to deceive
8 or defraud.

9 (m) Fail to establish or maintain any record or make any
10 report required under this act or the federal act, or refuse to
11 permit access to or verification or copying of any such required
12 record.

13 (n) Interfere with the director in the conduct of his or her
14 responsibilities under this act.

15 (o) Make a false statement, representation, or certification
16 in any application, report, plan, or other document that is
17 required to be maintained under this act or rules promulgated under
18 this act.

19 (p) Remove a tag, seal, or mark placed by the director.

20 (q) Operate without a license, registration, permit, or
21 endorsement.

22 (r) Violate a provision of this act or a rule promulgated
23 under this act.

24 (2) Each day a violation of this section occurs is a separate
25 violation of this section.

26 Sec. 5105. (1) Upon finding that a person violated a provision
27 of this act or rule promulgated under this act, the department may

1 impose an administrative fine of not more than \$500.00 for the
2 first offense and not more than \$1,000.00 for a second or
3 subsequent offense and the actual costs of the investigation of the
4 violation. Each day of any continuing violation is not considered a
5 separate violation of this act or rule promulgated under this act.
6 Under no circumstances shall the department impose upon any
7 licensee or registrant administrative fines in the aggregate amount
8 of more than \$4,000.00 per location for a firm with annual gross
9 receipts of \$500,000.00 or less and \$8,000.00 per location for a
10 firm with annual gross receipts of over \$500,000.00 during any 12-
11 month period.

12 (2) Any administrative fines and costs collected under this
13 section shall be ~~paid to the state treasury and credited to the~~
14 ~~general~~ **DEPOSITED INTO THE DAIRY AND FOOD SAFETY** fund.

15 (3) This section does not require the department to issue an
16 administrative fine for minor violations of this act whenever the
17 department believes that the public interest will be adequately
18 served under the circumstances by a suitable written notice or
19 warning.

20 (4) The conditions warranting administrative fines to achieve
21 compliance with the provisions of the food code are limited to
22 critical or repeated violations that remain uncorrected beyond the
23 time frame for correction approved, directed, or ordered by the
24 director under food code section 8-405.11(A) and (B) and section 8-
25 406.11(A) and (B). The department shall not impose an
26 administrative fine for a noncritical violation of the food code
27 unless at least 30 calendar days have been allowed for correction

1 after the ~~inspection~~ **EVALUATION**.

2 Sec. 5107. (1) Except as otherwise provided under this act, a
3 person who violates any provision of this act or rules promulgated
4 under this act is guilty of a misdemeanor and shall be punished by
5 a fine of not less than \$250.00 or more than \$2,500.00 or by
6 imprisonment for not more than 90 days, or both.

7 (2) Notwithstanding the other provisions of this act, a person
8 who knowingly violates section 5101(1)(b) or (l) is guilty of a
9 felony punishable by imprisonment for not more than 4 years or by a
10 fine of not more than \$10,000.00 plus twice the amount of any
11 economic benefit associated with the violation, or both.

12 (3) If a violation results in a conviction under this act, the
13 court shall assess against the defendant the costs of the
14 department's investigation. The assessment for costs of
15 investigation shall be ~~paid to the state treasury and credited to~~
16 ~~the department~~ **DEPOSITED INTO THE DAIRY AND FOOD SAFETY FUND** for
17 the enforcement of this act.

18 Sec. 6101. (1) Chapters 1 through 8 of the food code are
19 incorporated by reference except as amended and modified as
20 follows:

21 ~~— (a) Section 3-401.11(B) is modified so that the oven~~
22 ~~temperature for high humidity oven temperature reads "54°C (130°F)~~
23 ~~or higher".~~

24 **(A)** ~~(b)~~ Where provisions of this act and rules promulgated
25 under this act specify different requirements.

26 **(B)** ~~(c)~~ Section ~~3-201.11(D)~~ **3-501.16(A)(2)** is modified so that
27 "subparagraph ~~3-401.11(C)(1)~~" reads "subparagraph ~~3-401.11(D)(1)~~"

1 3-501.16 (A) (2) (B) " IS STRICKEN.

2 ~~—— (d) Section 6 101.11 is modified to add after subparagraph~~
3 ~~(A) (3): "(B) In a temporary food establishment:".~~

4 (2) The director, by promulgation of a rule, may adopt any
5 changes or updates to the food code.

6 (3) The annexes of the food code are considered persuasive
7 authority for interpretation of the food code.

8 Sec. 6115. (1) After completion of the construction,
9 alteration, conversion, or remodeling and before the opening of a
10 food service establishment, the license applicant or license holder
11 shall notify the director of the completion, shall submit an
12 application for a license to operate the food service
13 establishment, and shall arrange for a preopening ~~inspection~~
14 **EVALUATION.**

15 (2) During the preopening ~~inspection~~**EVALUATION**, the director
16 shall determine whether the food establishment was constructed,
17 altered, converted, or remodeled in accordance with the approved
18 plans and specifications.

19 (3) Local health departments may specify when requests for
20 preopening inspections are to be submitted.

21 Sec. 6129. (1) **THE DIRECTOR SHALL CONSIDER THE RISK-BASED**
22 **EVALUATION METHODOLOGY AS DESCRIBED IN FOOD CODE ANNEX 5, SECTION 4**
23 **A-H FOR CONDUCTING EVALUATIONS OF FOOD ESTABLISHMENTS.**

24 (2) ~~(1)~~The completed ~~inspection~~**EVALUATION** report shall
25 specify a period of time for correction of noted violations. The
26 license holder shall correct the violations within the time
27 specified in the report.

1 (3) ~~(2)~~ All violations which are marked as critical on the
2 inspection report form shall be corrected immediately unless
3 otherwise specified. The director shall ~~conduct a follow-up~~
4 ~~inspection to~~ confirm corrections **WITHIN 30 DAYS AFTER THE REPORT**
5 **IS ISSUED.**

6 Sec. 6137. (1) To qualify for a special transitory food unit
7 license, an applicant shall allow a review and receive approval of
8 plans and specifications as specified in chapter VI. This review
9 and approval must include the menu and standard operating
10 procedures for the unit.

11 (2) A special transitory food unit license holder shall do all
12 of the following:

13 (a) Keep a copy of the approved standard operating procedures
14 in the unit and available for review upon ~~inspection~~ **EVALUATION** by
15 the director.

16 (b) Operate in compliance with standard operation procedures
17 approved by the director.

18 (c) Before serving food within the jurisdiction of a local
19 health department, notify the local health department in writing of
20 each location in the jurisdiction at which food will be served and
21 the dates and hours of service. The license holder shall mail the
22 notice by first-class mail or deliver the notice not less than 4
23 business days before any food is served or prepared for serving
24 within the jurisdiction of the local health department.

25 (d) While in operation, request and receive 2 ~~inspections~~
26 **EVALUATIONS** per licensing year **SPACED GENERALLY OVER THE SPAN OF**
27 **THE OPERATING SEASON.** A local health department and the department

1 shall charge a fee of \$90.00 for such an ~~inspection~~-EVALUATION.

2 (e) Send a copy of all ~~inspections~~-EVALUATION reports to the
3 regulatory authority that approved the license within 30 days after
4 receipt.

5 (3) If a license holder fails to comply with any of the
6 requirements of this section or the food code, the food
7 establishment is ineligible for licensure as a special transitory
8 temporary food establishment for the following licensing year and
9 must apply for temporary or other type of food establishment
10 licenses.

11 SEC. 6140. (1) ONLY PASTEURIZED INGREDIENTS FROM A DEPARTMENT-
12 APPROVED SOURCE SHALL BE USED FOR MILK AND MILK PRODUCTS
13 MANUFACTURED, SOLD, SERVED, OR PREPARED AT A RETAIL FOOD
14 ESTABLISHMENT. SUCH INGREDIENTS INCLUDE, BUT ARE NOT LIMITED TO,
15 MILK, MILK SOLIDS, WHEY, NONFAT DRY MILK, CONDENSED MILK, CREAM,
16 SKIM MILK, EGGS, AND EGG PRODUCTS.

17 (2) INGREDIENTS THAT MAY BE SUBSEQUENTLY ADDED TO MILK OR MILK
18 PRODUCTS ARE THOSE FLAVORINGS OR OTHER INGREDIENTS THAT HAVE BEEN
19 FOUND TO BE SAFE AND SUITABLE AND ADDED IN A MANNER TO PREVENT
20 CONTAMINATION, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

21 (A) INGREDIENTS PERMITTED BY A STANDARD OF IDENTITY FOR MILK
22 OR MILK PRODUCTS UNDER THE FEDERAL ACT OR REGULATIONS.

23 (B) FRESH FRUITS AND VEGETABLES ADDED TO CULTURED MILK AND
24 CULTURED MILK PRODUCTS PROVIDED THE RESULTANT EQUILIBRIUM PH LEVEL
25 (4.6 OR BELOW WHEN MEASURED AT 24 DEGREES CELSIUS (75 DEGREES
26 FAHRENHEIT)) OF THE FINISHED PRODUCT IS REACHED WITHOUT UNDUE DELAY
27 AND IS MAINTAINED DURING THE SHELF LIFE OF THE PRODUCT.

1 (C) INGREDIENTS SUBJECTED TO PRIOR HEATING SUFFICIENT TO
2 DESTROY PATHOGENIC MICROORGANISMS SUCH AS ROASTED NUTS OR DRIED
3 FRUITS.

4 (D) INGREDIENTS HAVING A WATER ACTIVITY (A_w) VALUE OF 0.85 OR
5 LESS.

6 (E) INGREDIENTS HAVING A HIGH ACID CONTENT (PH LEVEL OF 4.6 OR
7 BELOW WHEN MEASURED AT 24 DEGREES CELSIUS (75 DEGREES FAHRENHEIT))
8 OR HIGH ALKALINITY (PH LEVEL GREATER THAN 11 WHEN MEASURED AT 24
9 DEGREES CELSIUS (75 DEGREES FAHRENHEIT)).

10 (F) DRY SUGARS AND SALTS.

11 (G) FLAVOR EXTRACTS HAVING A HIGH ALCOHOL CONTENT.

12 (H) SAFE AND SUITABLE BACTERIAL CULTURES AND ENZYMES.

13 (I) OTHER INGREDIENTS THAT HAVE BEEN FOUND TO BE SAFE AND
14 SUITABLE BY THE U.S. FOOD AND DRUG ADMINISTRATION.

15 (3) RETAIL FOOD ESTABLISHMENTS THAT MANUFACTURE AND WHOLESALE
16 MILK AND MILK PRODUCTS MUST ADDITIONALLY BE LICENSED PURSUANT TO
17 AND MEET REQUIREMENTS OF THE MANUFACTURING MILK LAW, 2001 PA 267,
18 MCL 288.561 TO 288.740, OR THE GRADE A MILK LAW, 2001 PA 266, MCL
19 288.471 TO 288.540.

20 Sec. 6147. If a food ~~service~~-establishment is affected by
21 fire, flooding, accidents, explosions, or other disaster that may
22 create an imminent or substantial hazard **AND UNLESS OTHERWISE**
23 **DIRECTED**, all food ~~service~~-operations shall cease ~~—The~~**AND THE**
24 licensee shall immediately report **TO THE DIRECTOR** the disaster ~~to~~
25 ~~the local health department and request an evaluation of the food~~
26 ~~service establishment to determine~~**AND** the effect of the disaster
27 on the operation of the establishment. **THE DEPARTMENT MAY RECOGNIZE**

1 **EMERGENCY PLANS THAT, IF BEING FOLLOWED, SERVE AS A MEANS TO USE**
2 **TEMPORARY ALTERNATIVE PROCEDURES FOR CONTINUITY OF OPERATION.**

3 Sec. 6149. (1) As used in this section:

4 ~~—— (a) "Disclosure" means a written identification as to which~~
5 ~~items are, or can be, ordered raw or undercooked in their entirety,~~
6 ~~or items that contain an ingredient that is raw or undercooked.~~

7 **(A)** ~~(b)~~ "Publicly available" means accessible to consumers,
8 without their having to request it, before their placing ~~their~~ food
9 orders or making their selections.

10 ~~—— (c) "Reminder" means a written notice concerning the~~
11 ~~significant health risk of consuming raw or undercooked animal~~
12 ~~foods.~~

13 **(B)** ~~(d)~~ "Selection information" means whatever consumers read
14 to make their order selections, such as menu, table tent, placard,
15 chalkboard, or other written means.

16 (2) To satisfy section 3-603.11 of the food code, the food
17 establishment ~~must meet the prescriptions of this section~~ **MAY**
18 **PROVIDE THE FOLLOWING STATEMENT ON SELECTION INFORMATION SO THAT IT**
19 **IS PUBLICLY AVAILABLE: "ASK YOUR SERVER ABOUT MENU ITEMS THAT ARE**
20 **COOKED TO ORDER OR SERVED RAW. CONSUMING RAW OR UNDERCOOKED MEATS,**
21 **POULTRY, SEAFOOD, SHELLFISH, OR EGGS MAY INCREASE YOUR RISK OF**
22 **FOODBORNE ILLNESS."**

23 ~~—— (3) The food establishment shall make a disclosure in the~~
24 ~~selection information that an item contains raw or undercooked food~~
25 ~~of animal origin by either or both of the following methods:~~

26 ~~—— (a) Items are described to include the disclosure, such as~~
27 ~~"oysters on the half shell (raw oysters)", "raw egg caesar salad",~~

1 ~~"eggs (may be requested undercooked)", and "hamburgers (can be~~
2 ~~cooked to order)". The disclosure is not limited to those items and~~
3 ~~descriptions in this subdivision but includes items and~~
4 ~~descriptions of a similar nature.~~

5 ~~—— (b) Items are asterisked with a footnote that states the items~~
6 ~~are served raw or undercooked, contain, or may contain raw or~~
7 ~~undercooked ingredients.~~

8 ~~—— (4) A reminder of the significantly increased risk associated~~
9 ~~with eating foods subject to the disclosure in raw or undercooked~~
10 ~~form is satisfied by 1 of the following methods:~~

11 ~~—— (a) Items requiring disclosure are asterisked on the selection~~
12 ~~information to a footnote that states 1 of the following~~
13 ~~disclosures:~~

14 ~~—— (i) "Regarding the safety of these items, written information~~
15 ~~is available on request."~~

16 ~~—— (ii) "Consuming raw or undercooked meats, poultry, seafood,~~
17 ~~shellfish, or eggs may increase your risk of foodborne illness."~~

18 ~~—— (iii) "Consuming raw or undercooked meats, poultry, seafood,~~
19 ~~shellfish, or eggs may increase your risk of foodborne illness,~~
20 ~~especially if you have certain medical conditions."~~

21 ~~—— (b) Either of the reminders listed under subdivision (a) (ii) or~~
22 ~~(iii) is used and appears at least once in the selection information~~
23 ~~on the first interior page or the page where the first item~~
24 ~~requiring disclosure appears. When the option described in this~~
25 ~~subdivision is used, the word "NOTICE" shall appear before the~~
26 ~~reminder statement.~~

27 ~~—— (c) A publicly available placard supplies the reminder of the~~

1 significantly increased risk and meets the following requirements:

2 ~~—— (i) It is titled "NOTICE" and contains 1 of the reminders~~
3 ~~listed in subdivision (a) (ii) or (iii).~~

4 ~~—— (ii) It is posted near the customer entrances of the~~
5 ~~establishment and is clearly visible to the customers.~~

6 ~~—— (iii) All letters in the title are capitalized in bold, arial~~
7 ~~font not less than 44 point font size and, if menu items are on the~~
8 ~~placard, then all letters are equally readable as the menu items on~~
9 ~~the placard.~~

10 ~~—— (iv) All letters in the reminder are arial font not less than~~
11 ~~36 point font size.~~

12 ~~—— (v) The reminder is placed at approximately eye level and is~~
13 ~~easily readable from the point at which consumers would normally~~
14 ~~stand to read it.~~

15 ~~—— (vi) The reminder maintains visibility in layout, format, and~~
16 ~~graphics in contrast to other posted materials.~~

17 ~~—— (d) The United States food and drug administration model~~
18 ~~consumer advisory brochure or equivalent as determined by the~~
19 ~~director is publicly available.~~

20 (3) ~~(5)~~ A reminder **STATEMENT USED UNDER SUBSECTION (2)** may be
21 tailored to be product specific if a food establishment either has
22 a limited menu or offers only specific animal-derived foods in raw
23 or undercooked, ready-to-eat form.

24 (4) ~~(6)~~ The language for the menu items shall match the
25 language used for the disclosure and the reminder. The disclosure
26 and reminder may also be in additional languages.

27 (5) ~~(7)~~ The text for disclosures and reminders shall meet the

1 following requirements:

2 (a) The text size for statements on handheld menus or table
3 tents shall be visually equivalent to at least 11-point font size
4 or may be visually equivalent to the font size of menu item
5 descriptions.

6 (b) Text color provides a clear contrast to background.

7 (6) ~~(8)~~ Table tents, placards, or chalkboards that are used
8 exclusively to list food items that are offered as daily, weekly,
9 or temporary specials are exempt from the requirements of this
10 section when those food items also appear in the primary selection
11 information that contains the disclosures and reminders meeting the
12 requirements of this section.

13 **SEC. 6150. (1) AS USED IN THIS SECTION:**

14 (A) "ARTIFICIAL TRANS FAT" MEANS AN UNSATURATED FAT OR FATTY
15 ACID THAT IS PRODUCED BY THE PARTIAL HYDROGENATION OF PLANT OILS
16 AND THAT CONTAINS 1 OR MORE INSTANCES OF ATOMS BONDED IN A TRANS
17 CONFIGURATION.

18 (B) "PUBLICLY AVAILABLE" MEANS ACCESSIBLE TO CONSUMERS,
19 WITHOUT THEIR HAVING TO REQUEST IT, BEFORE PLACING THEIR FOOD
20 ORDERS OR MAKING THEIR SELECTIONS.

21 (C) "SELECTION INFORMATION" MEANS WHATEVER CONSUMERS READ TO
22 MAKE THEIR ORDER SELECTIONS, SUCH AS A MENU, TABLE TENT, PLACARD,
23 CHALKBOARD, OR OTHER WRITTEN MEANS.

24 (2) A FOOD SERVICE ESTABLISHMENT MAY, BUT IS NOT REQUIRED TO,
25 PROVIDE ON THE SELECTION INFORMATION, SO THAT IT IS PUBLICLY
26 AVAILABLE, A STATEMENT REGARDING THE PRESENCE OR LACK OF ARTIFICIAL
27 TRANS FAT IN ANY FOOD SERVED BY THE FOOD SERVICE ESTABLISHMENT.

1 (3) A STATEMENT DESCRIBED IN SUBSECTION (2) MAY BE TAILORED TO
2 BE PRODUCT-SPECIFIC IF A FOOD SERVICE ESTABLISHMENT HAS A LIMITED
3 MENU.

4 (4) THE TEXT FOR A STATEMENT DESCRIBED IN SUBSECTION (2) MAY
5 BE IN MORE THAN 1 LANGUAGE AND MAY MEET THE REQUIREMENTS OF SECTION
6 6149.

7 Sec. 7105. ALL PROCESSORS OF SEAFOOD SHALL COMPLY WITH
8 REGULATIONS OF THE U.S. FOOD AND DRUG ADMINISTRATION IN 21 CFR PART
9 123. The requirement that a processor of smoked fish ~~obtain a~~
10 ~~variance under~~ COMPLY WITH the smoked fish rules is waived if the
11 processor demonstrates compliance with ~~21 C.F.R. part 123, the~~
12 ~~"seafood HACCP plan"~~ THE FEDERAL REGULATION DESCRIBED IN THIS
13 SECTION.

14 SEC. 7106. (1) ALL PROCESSORS OF JUICE SHALL COMPLY WITH THE
15 REGULATIONS OF THE U.S. FOOD AND DRUG ADMINISTRATION IN 21 CFR PART
16 120.

17 (2) AN ESTABLISHMENT THAT PRESSES APPLE CIDER SHALL HAVE AT
18 LEAST 1 ACTIVE EMPLOYEE CURRENTLY CERTIFIED UNDER A PROGRAM
19 DESCRIBED IN SECTION 2129 OR HAVING COMPLETED A CURRENT COURSE
20 RECOGNIZED BY THE DEPARTMENT AS PERTINENT TO SAFE CIDER PRODUCTION.

21 Sec. 7113. As used in this chapter:

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

25 (b) "Added water" ~~or ice~~ means greater moisture content than
26 normally found in meat AND, EXCEPT FOR POULTRY, IS DETERMINED BY
27 TOTAL MOISTURE MINUS 4 TIMES THE PERCENTAGE OF PROTEIN. ADDED WATER

1 **MAY BE IN THE FORM OF WATER OR ICE.**

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

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

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

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

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

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

23 (i) "Fat" means the quantity of adipose tissue determined by
24 chemical analysis.

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

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

3 (l) "Meat" means the edible part of clean, sound striated
4 muscle of cattle, swine, sheep, deer **AND OTHER CERVIDS**, goat,
5 turkey, **DUCK, RATITE**, or chicken slaughtered in compliance with all
6 applicable laws, with or without the accompanying and overlying
7 fat, and sinew, nerve, gland, and blood vessels which normally
8 accompany the muscle tissues and which are not separated from it in
9 the process of dressing. **MEAT DOES NOT INCLUDE SPECIFIED RISK**
10 **MATERIALS.**

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

13 (N) **"SPECIFIED RISK MATERIALS" MEANS ITEMS ASSOCIATED WITH THE**
14 **NERVOUS SYSTEM OF BEEF CATTLE THAT ARE PROHIBITED FROM HUMAN FOOD**
15 **AS DEFINED IN 9 CFR 310.22.**

16 (O) ~~(n)~~"Veal" means meat derived from a calf not more than 1
17 year of age.

18 Sec. 7115. Sausage consists only of skeletal meat either
19 fresh, cured, salted, pickled, or smoked. **POULTRY SAUSAGE MAY**
20 **CONTAIN ACCOMPANYING SKIN IN NATURAL PROPORTIONS.** Sausage may
21 contain the following:

22 (a) Salt or spice, **CURE AGENTS SUCH AS** sodium or potassium
23 nitrate ~~—~~**OR** sodium or potassium nitrite, **CURE ACCELERATORS SUCH AS**
24 **SODIUM ERYTHORBATE** or ascorbic acid, **ALL** that comply with
25 applicable regulations of the United States department of
26 agriculture food safety inspection service or any other curing
27 agents determined appropriate by the department **OR** pursuant to

1 rules promulgated under this act. As used in this subdivision,
2 "curing agent" OR "**CURING ACCELERATOR**" means any substance added to
3 meat to cause or enhance preservation of the meat product.

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

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

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

14 (e) ~~The total percentage of moisture in the finished product~~
15 ~~shall not exceed 4 times the percentage of protein, which shall not~~
16 ~~be~~ **NOT** less than 12% **PROTEIN**. The protein content requirement shall
17 not apply to pork sausage, breakfast sausage, or roasted sausage
18 but the finished product shall contain not more than 50% of fat. ~~To~~
19 **FRESH SAUSAGE SHALL CONTAIN NO ADDED WATER, EXCEPT TO** facilitate
20 chopping or mixing, ~~water or ice may be used in uncooked sausage~~
21 **AND** in an amount not to exceed 3% of the total ingredients. **COOKED**
22 **SAUSAGE SHALL NOT EXCEED 40% FAT AND ADDED WATER.**

23 (f) Fresh and fresh frozen sausage, smoked and unsmoked dry
24 sausage, may contain **ANTIOXIDANTS SUCH AS** butylated hydroxyanisole,
25 butylated hydroxytoluene or propyl gallate, or a combination of
26 these antioxidants, with or without citric acid, in amounts ~~not to~~
27 ~~exceed specifications established under 9 C.F.R. 318.7 and 9 C.F.R.~~

1 ~~part 319~~ **THAT COMPLY WITH APPLICABLE REGULATIONS OF THE UNITED**
2 **STATES DEPARTMENT OF AGRICULTURE FOOD SAFETY INSPECTION SERVICE.**

3 When such antioxidants are added, the label on the product shall
4 declare the presence of antioxidants in the manner required by the
5 United States department of agriculture ~~meat~~ **FOOD SAFETY** inspection
6 service.

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

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

19 (i) The following products are considered to be sausage,
20 whether processed or inserted in either natural or artificial
21 casings or other containers: wieners, bologna, ring bologna,
22 knackwurst, bratwurst, roasted sausage, breakfast sausage, pork
23 sausage, chicken sausage, turkey sausage, leona, beer salami,
24 cooked salami, Polish sausage, minced luncheon, kielbasa,
25 bockwurst, all varieties of dry or semi-dry sausage, and other meat
26 food products prepared in sausage form and excluding loaves, liver
27 products, headcheese, sulze, blood sausage, potato sausage, kishka,

1 tongue sausage, and New York or New England pressed luncheon.

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

5 (k) "Italian-style sausage" shall be uncured, unsmoked, and
6 contain at least 85% meat or meat and fat with no more than 35%
7 fat. ~~It~~ **ITALIAN SAUSAGE CONTAINS FENNEL OR ANISE AND** may contain
8 red and green pepper, onion, and garlic. Italian sausage shall be
9 prepared from fresh pork meat.

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

12 (m) "~~Poultry meat~~ **POULTRY SAUSAGE OR POULTRY-MEAT** sausage"
13 shall be made from fresh ~~chicken and turkey~~ **POULTRY** meat containing
14 the natural proportions of light and dark meat unless otherwise
15 designated. The name shall be identified by the species contained
16 if the product contains all its meat from 1 species. It shall not
17 contain more than 30% fat. **POULTRY-MEAT SAUSAGE SHALL NOT CONTAIN**
18 **SKIN.**

19 (n) "~~Venison~~ **CERVID** sausage" shall be made from the meat of
20 ~~deer~~ **CERVIDAE** from approved sources. **THE NAME SHALL BE IDENTIFIED**
21 **BY THE SPECIES CONTAINED IF THE PRODUCT CONTAINS ALL ITS MEAT FROM**
22 **1 SPECIES, SUCH AS "VENISON SAUSAGE" OR "ELK SAUSAGE".** A person
23 shall not offer for sale, sell, or expose for sale any other
24 product described as ~~venison~~ **CERVID** sausage. Fat of another species
25 and approved source may be added to ~~venison~~ **CERVID** sausage.

26 (o) Sausage containing wild game and made on commercial order
27 shall be labeled "not for sale". Wild game from more than 1 owner

1 shall not be mixed into sausage unless a licensed processor
2 butchered all the wild game. Processors shall reject any carcass
3 that shows evidence of spoilage or contamination. Wild game and
4 wild-game product and processing times shall be kept separate from
5 other meat and meat processing, including, but not limited to,
6 storage in separate or structurally-partitioned coolers. Food
7 contact surfaces shall be thoroughly washed and sanitized after the
8 processing of wild game and before the resumption of any other
9 processing.

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

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

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

24 (b) Ground ~~chicken~~**POULTRY** shall consist of comminuted fresh
25 ~~chicken~~**POULTRY** meat, **WITH OR WITHOUT ACCOMPANYING SKIN IN NATURAL**
26 **PROPORTIONS**, with or without added ~~chicken~~**POULTRY** fat, and shall
27 not contain more than ~~15%~~**20%** fat. **THE NAME SHALL BE IDENTIFIED BY**

1 **THE SPECIES CONTAINED IN THE PRODUCT.**

2 (c) Ground ~~turkey~~**POULTRY MEAT** shall consist of comminuted
3 fresh ~~turkey~~**POULTRY** meat, with or without added ~~turkey~~**POULTRY**
4 fat, and shall not contain more than 15% fat. **THE NAME SHALL BE**
5 **IDENTIFIED BY THE SPECIES CONTAINED IN THE PRODUCT.**

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

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

17 Sec. 7137. Food may not contain unapproved food additives or
18 additives that exceed amounts specified in 21 ~~C.F.R.—CFR~~ parts 170
19 to 180 relating to food additives, generally recognized as safe or
20 prior sanctioned substances that exceed amounts specified in 21
21 ~~C.F.R.—CFR~~ parts 181 to 186, substances that exceed amounts
22 ~~specified in 9 C.F.R. 318.7~~**ESTABLISHED UNDER APPLICABLE**
23 **REGULATIONS OF THE UNITED STATES DEPARTMENT OF AGRICULTURE FOOD**
24 **SAFETY INSPECTION SERVICE**, or pesticide residues that exceed
25 provisions specified in 40 ~~C.F.R.—CFR~~ part 185.

26 Sec. 8105. (1) A person shall not do any of the following:

27 (a) Make, publish, disseminate, circulate, or place before the

1 public any advertisement containing any assertion, representation,
2 or statement which is untrue, deceptive, or misleading or falsely
3 represents the kind, classification, grade, or quality of meat.

4 (b) Use any term of quality without using or having for sale
5 the quality of meat advertised or offered for sale.

6 ~~(c) Use the term "USDA" unless the official grade is also~~
7 ~~designated.~~

8 (C) ~~(d)~~ Designate or use any brand name of a company unless
9 the meat so advertised or displayed for sale is of a quality which
10 the use or designation of the brand name of such company would
11 reasonably indicate.

12 (2) A person shall not advertise or display for sale any of
13 the following:

14 (a) Any meat of the ovine species that is 2 years old or over
15 as "yearling" or "lamb". Such meat shall be clearly designated
16 "mutton".

17 (b) Any meat described by the use of ~~the words "prime",~~
18 ~~"choice", or "good"~~ **ASSOCIATED WITH GRADING TERMINOLOGY** unless such
19 meat advertised for sale actually bears the "USDA" federal stamp
20 designating such grade or is of equal quality as the federal grade
21 would designate.

22 (c) Any ham unless the advertisement or display states whether
23 the ham is ~~skinned or regular~~ **WHOLE, BONE-IN, SEMI-BONELESS, OR**
24 **BONELESS.**

25 (d) Any ham portion described by the use of the words "one-
26 half" or "half ham" that has had a center slice removed.

27 (e) Any pork shoulder described as "ham".

1 (f) Any meat or meat product which has been branded or marked
2 as imitation by a manufacturer or processor unless the
3 advertisement or display clearly states that such meat or meat
4 product is an imitation.

5 (3) A person shall not substitute in any sale any inferior or
6 cheaper cut of meat without informing the purchaser that such
7 substitution is being made.

8 (4) A person shall not keep or display any canned meats or
9 canned meat products at a temperature exceeding 6° centigrade (41°
10 Fahrenheit) if the label of such meats or meat products specifies
11 that they shall be kept under refrigeration.

12 (5) Whenever it becomes necessary for the purposes of this act
13 to procure a sample or samples of meat or meat products, the person
14 in charge of the place where ~~inspection~~**EVALUATION** is made must
15 permit the sample or samples to be obtained upon being tendered the
16 advertised or offered price of the item being procured.

17 Sec. 8107. (1) As used in this section:

18 (a) "Date" means the recommended last day of sale.

19 (b) "Perishable food" means any food in package form which the
20 manufacturer, packer, or retailer, in conjunction with the
21 department, determines as having a significant risk of spoilage,
22 loss of value, or loss of palatability within 90 days of the date
23 of packaging.

24 (c) "Prepackaged" means packaged prior to being displayed or
25 offered for sale.

26 (2) A retail food establishment shall not sell or offer for
27 sale a prepackaged perishable food unless there is clearly and

1 conspicuously stamped upon or attached to the package a date
2 identified by month and day except that bakery products with a
3 shelf life of 7 days or less may be dated with a day of the week or
4 an abbreviation.

5 (3) The date may be displayed with or without explanatory
6 terms. If explanatory terms are used, such terms shall be limited
7 to 1 of the following: "Sell by _____", "Sell before _____", "Last
8 date of sale _____", "Recommended last date of sale _____", or
9 "Recommended sale date _____". Other meaningful terms may be used
10 if specifically approved by the department.

11 (4) ~~This~~ **EXCEPT FOR MEAT THAT HAS BEEN REMOVED FROM FEDERALLY**
12 **INSPECTED RETAIL PACKAGES, THIS** section does not prohibit the sale
13 of food after the date if the product is wholesome and sound and is
14 clearly identified as having passed the date.

15 (5) The retail or final seller is responsible for the proper
16 advertisement of perishable food sold after the date.

17 (6) A person who prepackages perishable food shall do all of
18 the following:

19 (a) Establish a meaningful date that takes into consideration
20 the food quality and characteristics of the food, its packaging,
21 and customary conditions encountered in commercial channels.

22 (b) Allow a reasonable period after the date for consumption
23 of the food without physical spoilage.

24 (c) Keep a record of the method of determination of the date.

25 (7) A retailer who purchases prepackaged perishable food may,
26 upon written agreement with the person prepackaging such food,
27 determine, identify, and be responsible for the date placed on, or

1 attached to, each package of such food.

2 (8) The date shall not be altered. A person shall not rewrap
3 or repackage a perishable food, in its original form and texture,
4 with a date on the package different from the original.

5 (9) The date shall be calculated to allow a reasonable period
6 for the subsequent consumption of the food, but shall not allow for
7 a period which would result in a health nuisance as described in
8 section 2107.

9 (10) This section does not apply to fresh fruits and
10 vegetables, canned food, and frozen food ~~nor~~ **AND DOES NOT APPLY**
11 to milk and milk products dated in accordance with ~~section 1 of the~~
12 ~~fluid milk act of 1965, 1965 PA 233, MCL 288.21~~ **THE GRADE A MILK**
13 **LAW OF 2001, 2001 PA 266, MCL 288.471 TO 288.540.**

14 (11) The requirements of this section do not apply to any of
15 the following:

16 (a) An individually packaged food item that is a component of
17 a larger food item if the larger food item is identified with a
18 date the same as or earlier than the date of that component.

19 (b) Perishable foods packaged under, and in compliance with,
20 federal laws and regulations, if providing information equal to or
21 greater than the information required by this section.

22 (c) Smoked fish under the smoked fish rules.

23 Enacting section 1. (1) Section 4111 of the food law of 2000,
24 2000 PA 92, MCL 289.4111, as amended by this amendatory act, takes
25 effect January 1, 2008.

26 (2) Sections 4113, 4116, 4117, 4125, 5101, 5105, 5107, 6101,
27 6115, 6129, 6137, 6147, 6149, 7105, 7113, 7115, 7119, 7125, 7137,

1 8105, and 8107 of the food law of 2000, 2000 PA 92, MCL 289.4113,
2 289.4116, 289.4117, 289.4125, 289.5101, 289.5105, 289.5107,
3 289.6101, 289.6115, 289.6129, 289.6137, 289.6147, 289.6149,
4 289.7105, 289.7113, 289.7115, 289.7119, 289.7125, 289.7137,
5 289.8105, and 289.8107, as amended by this amendatory act, and
6 sections 6140, 6150, and 7106 of the food law of 2000, 2000 PA 92,
7 as added by this amendatory act, take effect April 1, 2008.

8 Enacting section 2. This amendatory act does not take effect
9 unless House Bill No. 4956 of the 94th Legislature is enacted into
10 law.