

**SUBSTITUTE FOR  
SENATE BILL NO. 1132**

A bill to amend 2001 PA 267, entitled  
"Manufacturing milk law of 2001,"  
by amending sections 110 and 125 (MCL 288.670 and 288.685), as  
amended by 2008 PA 147, and by adding section 110b.

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

1           Sec. 110. (1) A person shall not do any of the following  
2 without being licensed under this act or the grade A milk law of  
3 2001:

4           (a) Produce milk that is offered for sale.

5           (b) Collect milk samples for regulatory purposes.

6           (c) Operate a milk transportation company that owns or  
7 operates a can milk truck.

8           (d) Process, label, or sell milk or manufactured dairy  
9 products, except that a person operating a retail food

1 establishment is exempt from licensure under this act if he or she  
2 complies with section 111 and is licensed under the food law of  
3 2000. This subdivision does not prevent the sale at wholesale or  
4 retail at a retail food establishment licensed under the food law  
5 of 2000 of milk or milk products that are packaged in final  
6 consumer packages at a facility licensed under this act.

7 (e) Wash milk tank trucks.

8 (2) A person licensed under the grade A milk law of 2001 and  
9 engaged in activities regulated under that act and activities  
10 regulated under this act is exempt from licensure under this act.

11 (3) A person licensed under the grade A milk law of 2001 or  
12 this act shall comply with the requirements of this act, where  
13 applicable, and is subject to the penalties set forth in this act,  
14 where applicable.

15 (4) The director may issue a temporary license or permit for  
16 activities regulated under this act.

17 (5) State agencies operating dairy facilities under a  
18 memorandum of understanding with the department are not required to  
19 be licensed or permitted, or to provide producer security under  
20 this act, but are otherwise required to be in compliance with this  
21 act.

22 (6) An applicant for an initial manufacturing grade dairy farm  
23 permit shall **APPLY TO THE DEPARTMENT ON A FORM PROVIDED BY THE**  
24 **DEPARTMENT, PAY THE ANNUAL PERMIT FEE IMPOSED UNDER THIS SECTION,**  
25 **AND** complete education on drug residue avoidance control measures  
26 acceptable to the director before receiving the permit.

27 (7) An applicant for an initial license as a dairy plant shall

1 apply to the department on a form supplied by the department and  
2 provide a statement containing the following:

3 (a) The dairy plant's correct legal name and any name by which  
4 the dairy plant is doing business. If the dairy plant is a person  
5 not an individual, the name of each officer and director, and  
6 partner, member, or owner owning in excess of 35% of equity or  
7 stock.

8 (b) The location of the dairy plant to which the statement  
9 pertains and the name of the responsible person who may be  
10 contacted at that location.

11 (c) The anticipated value of greatest milk receipts the dairy  
12 plant expects to receive during a consecutive 30-day period within  
13 the licensing period.

14 (d) A list of producers, including names, mailing addresses,  
15 and department producer permit number, with whom the dairy plant  
16 intends to do business except that not later than 90 days after  
17 becoming licensed for the first time, the dairy plant shall send an  
18 updated list to the department.

19 (e) The name of the financial institution through which milk  
20 checks are to be issued to producers.

21 **(F) THE ANNUAL VOLUME OF RAW MILK EACH MILK PLANT ANTICIPATES**  
22 **RECEIVING. THE DEPARTMENT MAY CONDUCT AN AUDIT TO VERIFY THE**  
23 **ACCURACY OF THE ANNUAL VOLUME OF RAW MILK RECEIPTS REPORTED AND MAY**  
24 **REASSESS THE LICENSE FEE ACCORDINGLY. IN THE ALTERNATIVE, THE**  
25 **DEPARTMENT MAY UTILIZE AN AUDIT CONDUCTED BY THE UNITED STATES**  
26 **DEPARTMENT OF AGRICULTURE OR ANY OTHER AUDIT ACCEPTABLE TO THE**  
27 **DIRECTOR.**

1 (8) A dairy plant shall annually renew a license issued under  
2 this act by applying to the department at least 30 days prior to  
3 the expiration of the existing license. The anniversary date of a  
4 license for a dairy plant that is providing a financial statement  
5 as a security device shall be 130 days after the close of the  
6 licensee's fiscal year. The dairy plant shall apply for renewal of  
7 a license on a form supplied by the department and provide a  
8 statement containing the following:

9 (a) The dairy plant's correct legal name and any name by which  
10 the dairy plant is doing business. If the dairy plant is a person  
11 not an individual, the name of each officer and director, and  
12 partner, member, or owner owning in excess of 35% of equity or  
13 stock.

14 (b) The location of the dairy plant to which the statement  
15 pertains and the name of the responsible person who may be  
16 contacted at that location.

17 (c) The greater of either the value of greatest milk receipts  
18 that the dairy plant received within a consecutive 30-day period  
19 during its last license year or the greatest milk receipts that the  
20 dairy plant is anticipated to receive during a consecutive 30-day  
21 period within the licensing period.

22 (d) A complete list of producers, including names, mailing  
23 addresses, and department producers permit number, with whom the  
24 dairy plant is doing business.

25 (e) The name of the financial institution through which milk  
26 checks are issued to producers.

27 **(F) THE ANNUAL VOLUME OF RAW MILK EACH MILK PLANT ANTICIPATES**

1 RECEIVING. THE DEPARTMENT MAY CONDUCT AN AUDIT TO VERIFY THE  
2 ACCURACY OF THE ANNUAL VOLUME OF RAW MILK RECEIPTS REPORTED AND MAY  
3 REASSESS THE LICENSE FEE ACCORDINGLY. IN THE ALTERNATIVE, THE  
4 DEPARTMENT MAY UTILIZE AN AUDIT CONDUCTED BY THE UNITED STATES  
5 DEPARTMENT OF AGRICULTURE OR ANY OTHER AUDIT ACCEPTABLE TO THE  
6 DIRECTOR.

7 (9) ~~Each dairy plant shall pay a \$50.00 annual licensing or~~  
8 ~~permitting fee.~~ LICENSE RENEWAL FOR A DAIRY PLANT SHALL TAKE PLACE  
9 ON JUNE 30 OF EACH YEAR UNLESS OTHERWISE SPECIFIED IN THIS ACT. A  
10 DAIRY PLANT LICENSED UNDER THIS ACT SHALL PAY AN ANNUAL LICENSE OR  
11 PERMIT FEE AS FOLLOWS:

12 (A) DAIRY PLANT WITH LESS THAN 6,000,000 POUNDS OF ANTICIPATED  
13 RAW MILK RECEIPTS PER YEAR, AT A RATE OF \$200.00 PER YEAR.

14 (B) DAIRY PLANT WITH GREATER THAN OR EQUAL TO 6,000,000 POUNDS  
15 OF ANTICIPATED RAW MILK RECEIPTS PER YEAR, AT A RATE OF \$400.00 PER  
16 YEAR.

17 (10) Each receiving station or transfer station shall be  
18 licensed or permitted either as part of a dairy plant or as a  
19 stand-alone facility. Each stand-alone facility will be licensed or  
20 permitted at a rate of ~~\$50.00~~ \$200.00 per year. License renewal  
21 shall take place on June 30 every year.

22 (11) Each milk tank truck cleaning facility shall be licensed  
23 or permitted under this act either as part of a dairy plant,  
24 receiving station or transfer station, or as a stand-alone milk  
25 tank truck cleaning facility, or under the grade A law of 2001. Any  
26 milk tank truck cleaning facility that washes the milk contact  
27 surfaces of milk tank trucks used to haul grade A milk shall be

1 licensed under the grade A law of 2001. Each stand-alone facility  
2 will be licensed or permitted at a rate of ~~\$50.00~~-\$200.00 per year.  
3 License renewal shall take place on June 30 every year.

4 (12) Each single service containers and closures manufacturer  
5 shall be licensed or permitted under this act either as part of a  
6 dairy plant or as a stand-alone manufacturer. Each stand-alone  
7 facility will be licensed at a rate of ~~\$50.00~~-\$200.00 per year.  
8 License renewal shall take place on June 30 every year.

9 (13) A person shall not pick up manufacturing grade milk in a  
10 farm pickup milk tank from a farm bulk milk tank without a  
11 hauler/sampler license issued by the department under the grade A  
12 law of 2001. Each milk tank truck or can milk truck shall be  
13 licensed or permitted under this act or as required under the grade  
14 A milk law of 2001 at a rate of ~~\$10.00~~-\$20.00 per year. License or  
15 permit renewal shall take place on June 30 every year.

16 (14) EACH DAIRY FARM PRODUCING MANUFACTURING MILK TO BE  
17 OFFERED FOR SALE SHALL BE LICENSED OR PERMITTED ANNUALLY AT EITHER  
18 OF THE FOLLOWING RATES:

19 (A) IF THE DAIRY FARM DOES NOT MAINTAIN ADEQUATE INDUSTRY  
20 PERSONNEL, AS DETERMINED BY THE DIRECTOR, WHO ARE APPROVED TO  
21 CONDUCT CERTIFIED INDUSTRY FARM INSPECTIONS, \$30.00.

22 (B) IF THE DAIRY FARM MAINTAINS ADEQUATE INDUSTRY PERSONNEL,  
23 AS DETERMINED BY THE DIRECTOR, WHO ARE APPROVED TO CONDUCT  
24 CERTIFIED INDUSTRY FARM INSPECTIONS, \$15.00.

25 (15) THE FEE DESCRIBED IN SUBSECTION (14) SHALL BE PAID TO THE  
26 DEPARTMENT BY JUNE 30 EVERY YEAR.

27 (16) A MILK BUYER SHALL PAY THE ANNUAL LICENSE OR PERMIT FEE

1 ON BEHALF OF THE DAIRY FARMS AND MAY SUBMIT AN INVOICE TO THE DAIRY  
2 FARMS FOR REIMBURSEMENT OF THE FEE OR MAY DEDUCT THE FEE FROM THE  
3 DAIRY FARMS' MILK CHECK. A MILK BUYER SHALL COMPLETE A FORM  
4 PROVIDED BY THE DEPARTMENT THAT INDICATES THE NUMBER OF PRODUCERS  
5 FOR WHICH IT IS RESPONSIBLE AND SHALL INCLUDE A LIST OF THE  
6 PRODUCER NAMES, ADDRESSES, AND DEPARTMENT PERMIT NUMBERS. THE  
7 DEPARTMENT MAY CONDUCT AUDITS TO VERIFY FEE PAYMENTS.

8 (17) THE DEPARTMENT MAY ASSESS A PLAN REVIEW FEE OF \$100.00 TO  
9 A POTENTIAL DAIRY LICENSEE OR PERMITTEE, TO BE PAID PRIOR TO AN ON-  
10 SITE CONSULTATION. THE PLAN REVIEW FEE IS NOT REFUNDABLE AND DOES  
11 NOT APPLY TOWARD ANY FUTURE LICENSE FEES.

12 (18) THE DEPARTMENT MAY ASSESS A \$150.00 FEE ON ANY LICENSEE  
13 OR PERMITTEE REQUIRING THE PERFORMANCE OF 2 OR MORE CONSECUTIVE  
14 REINSPECTIONS FOR COMPLIANCE OF ITEMS FOUND IN VIOLATION OF THIS  
15 ACT.

16 (19) ~~(14)~~—The director may issue a temporary license or permit  
17 if the director determines that issuance of the license or permit  
18 will not be detrimental to the protection of the public health,  
19 safety, or welfare or will not cause an imminent threat of  
20 financial loss to producers.

21 (20) ~~(15)~~—A political subdivision of the state shall not levy  
22 special license fees or taxes on 1 or more of the persons or  
23 businesses described in this section except for taxes or fees that  
24 are generally levied on persons or businesses other than dairy  
25 plants and dairy plant operators.

26 (21) ~~(16)~~—The director shall examine the books, records, and  
27 accounts of a dairy plant if the dairy plant has not responded to

1 requests from the director regarding a security device described in  
2 sections 117, 118, and 119. All examinations of books, records, and  
3 accounts required under this subsection shall be made within this  
4 state.

5 (22) ~~(17)~~—All applicants for a permit or license must complete  
6 an application provided by the department and meet the minimum  
7 requirements of this act or the grade A law of 2001, and rules  
8 promulgated under this act.

9 (23) ~~(18)~~—Any fees, assessments, civil or administrative  
10 fines, and money from any other source collected by the department  
11 under this act shall be deposited into the dairy and food safety  
12 fund created in section 4117 of the food law of 2000, MCL 289.4117.

13 (24) ~~(19)~~—The department may impose a late fee of \$10.00 for a  
14 renewal application for each business day the application is late.  
15 The total late fee shall not exceed \$100.00. The department shall  
16 not issue or renew a license until any fees and fines have been  
17 paid. A hearing is not required regarding the department's refusal  
18 to issue or renew a license under this subsection except as allowed  
19 under the administrative procedures act of 1969, 1969 PA 306, MCL  
20 24.201 to 24.328. The department may charge a convenience fee and  
21 collect from the applicants any additional costs associated with  
22 the method of fee payment for the license or permit fees described  
23 in this section and section 110a, not to exceed the costs to the  
24 department.

25 **SEC. 110B. (1) AS USED IN THIS SECTION, "PASTEURIZED MILK**  
26 **ORDINANCE" MEANS THAT TERM AS DEFINED IN SECTION 6 OF THE GRADE A**  
27 **MILK LAW, MCL 288.476.**



1           (2) EACH CERTIFIED INDUSTRY MANUFACTURING FARM INSPECTOR SHALL  
2 PAY A 3-YEAR LICENSE FEE OF \$150.00 FOR A LICENSE TO CONDUCT  
3 CERTIFIED INDUSTRY MANUFACTURING FARM INSPECTIONS. LICENSE RENEWAL  
4 SHALL TAKE PLACE ON THE EXPIRATION DATE OF THE 3-YEAR  
5 CERTIFICATION.

6           (3) CERTIFIED INDUSTRY MANUFACTURING FARM INSPECTORS SHALL  
7 COMPLY WITH THE REQUIREMENTS FOR CERTIFIED INDUSTRY INSPECTIONS  
8 SPECIFIED IN SECTION 5 OF THE PASTEURIZED MILK ORDINANCE AND, IN  
9 ADDITION, SHALL CONDUCT BOTH OF THE FOLLOWING:

10           (A) A FARM INSPECTION OF ALL PRODUCERS HAVING THE FIRST  
11 ROUTINE COUNT EXCEEDING LEGAL STANDARDS FOR BACTERIA OR SOMATIC  
12 CELLS, OR BOTH.

13           (B) ONE ROUTINE INSPECTION PER YEAR OF EACH PRODUCER, WITH A  
14 COPY OF EACH REQUIRED INSPECTION FORWARDED TO THE LOCAL AREA DAIRY  
15 INSPECTOR.

16           (4) CERTIFIED INDUSTRY MANUFACTURING FARM INSPECTORS MAY  
17 PERFORM OFFICIAL INSPECTIONS, BUT ONLY WITH AUTHORIZATION BY THE  
18 DIRECTOR.

19           Sec. 125. (1) The director shall impose upon a producer who  
20 violates this act by selling or offering for sale milk which has  
21 been found positive for violative drug residues on a test performed  
22 pursuant to sections 131 and 132 the following sanctions and  
23 administrative fines and provide notice and the opportunity for an  
24 administrative hearing:

25           (a) The following in the case of a first violative drug  
26 residue within a 12-month period:

27           (i) The producer's milk shall not be offered for sale until a

1 subsequent sample of the producer's milk tests negative for  
2 violative drug residues at an approved laboratory.

3 ~~(ii) The producer shall pay an administrative fine equal to the~~  
4 ~~lost value of the milk on the entire contaminated load and any~~  
5 ~~costs associated with the disposition of that load. The~~  
6 ~~administrative fine shall be paid directly to the milk buyer. **THE**~~  
7 **PRODUCER SHALL PAY AN ADMINISTRATIVE FINE OF \$50.00 TO THE**  
8 **DEPARTMENT UPON THE VIOLATIVE SHIPMENT, AS DETERMINED BY AN**  
9 **APPROVED DRUG RESIDUE TEST. THE MILK BUYER MAY PAY THE**  
10 **ADMINISTRATIVE FINE, IF A LIKE AMOUNT HAS BEEN DEDUCTED FROM THE**  
11 **PRODUCER'S MILK CHECK. IF THE PRODUCER'S VIOLATIVE SHIPMENT CAUSED**  
12 **THE PARTIAL OR TOTAL LOSS OF A LOAD OF MILK, THE PRODUCER SHALL PAY**  
13 **DIRECTLY TO THE MILK BUYER AN ADDITIONAL ADMINISTRATIVE FINE EQUAL**  
14 **TO THE LOST VALUE OF THE CONTAMINATED LOAD AND ANY COSTS ASSOCIATED**  
15 **WITH THE DISPOSITION OF THAT LOAD.** The department shall be provided  
16 with written notification of the payment. Written notification  
17 shall also be provided to the department of the date and location  
18 of the disposal of the entire contaminated load. Where a producer  
19 markets their own load of milk, the producer shall provide written  
20 notification to the department of the date and location of the  
21 disposal of the entire contaminated load. ~~If the producer's~~  
22 ~~violative shipment did not cause partial or total loss of a load of~~  
23 ~~milk as determined by an approved drug residue test, the producer~~  
24 ~~shall pay an administrative fine of \$50.00 to the department. The~~  
25 ~~milk buyer may pay the administrative fine, if a like amount has~~  
26 ~~been deducted from the producer's milk check.~~

27 (b) The following in the case of a second violative drug

1 residue within a 12-month period:

2 (i) The producer's milk shall not be offered for sale until a  
3 subsequent sample of the producer's milk tests negative for  
4 violative drug residues at an approved laboratory.

5 ~~(ii) The producer shall pay an administrative fine equal to the~~  
6 ~~lost value of the milk on the entire contaminated load and any~~  
7 ~~costs associated with the disposition of that load. The~~  
8 ~~administrative fine shall be paid directly to the milk buyer. THE~~  
9 **PRODUCER SHALL PAY AN ADMINISTRATIVE FINE OF \$200.00 TO THE**  
10 **DEPARTMENT UPON THE VIOLATIVE SHIPMENT, AS DETERMINED BY AN**  
11 **APPROVED DRUG RESIDUE TEST. THE MILK BUYER MAY PAY THE**  
12 **ADMINISTRATIVE FINE, IF A LIKE AMOUNT HAS BEEN DEDUCTED FROM THE**  
13 **PRODUCER'S MILK CHECK. IF THE PRODUCER'S VIOLATIVE SHIPMENT CAUSED**  
14 **THE PARTIAL OR TOTAL LOSS OF A LOAD OF MILK, THE PRODUCER SHALL PAY**  
15 **DIRECTLY TO THE MILK BUYER AN ADDITIONAL ADMINISTRATIVE FINE EQUAL**  
16 **TO THE LOST VALUE OF THE CONTAMINATED LOAD AND ANY COSTS ASSOCIATED**  
17 **WITH THE DISPOSITION OF THAT LOAD.** The department shall be provided  
18 with written notification of the payment. Written notification  
19 shall also be provided to the department of the date and location  
20 of the disposal of the entire contaminated load. Where a producer  
21 markets their own load of milk, the producer shall provide written  
22 notification to the department of the date and location of the  
23 disposal of the entire contaminated load. ~~If the producer's~~  
24 ~~violative shipment did not cause partial or total loss of a load of~~  
25 ~~milk as determined by an approved drug residue test, the producer~~  
26 ~~shall pay an administrative fine of \$200.00 to the department. The~~  
27 ~~milk buyer may pay the administrative fine, if a like amount has~~

1 ~~been deducted from the producer's milk check.~~

2 (iii) The producer will be required to test all milk prior to  
3 shipment with a drug residue test acceptable to the director for a  
4 minimum of 12 months and must retain records of these tests for a  
5 minimum of 18 months.

6 (iv) The producer will be required to maintain complete drug  
7 treatment records for all lactating or near lactating dairy animals  
8 for a minimum of 12 months and ~~must~~ **SHALL** retain records of these  
9 treatments for a minimum of 18 months.

10 (c) The following in the case of a third or any additional  
11 violative drug residue within a 12-month period:

12 (i) The producer's milk shall not be offered for sale until a  
13 subsequent sample of the producer's milk tests negative for  
14 violative drug residues at an approved laboratory.

15 ~~(ii) The producer shall pay an administrative fine equal to the~~  
16 ~~lost value of the milk on the entire contaminated load and any~~  
17 ~~costs associated with the disposition of that load. The~~  
18 ~~administrative fine shall be paid directly to the milk buyer. **THE**~~  
19 **PRODUCER SHALL PAY AN ADMINISTRATIVE FINE OF \$500.00 TO THE**  
20 **DEPARTMENT UPON THE VIOLATIVE SHIPMENT, AS DETERMINED BY AN**  
21 **APPROVED DRUG RESIDUE TEST. THE MILK BUYER MAY PAY THE**  
22 **ADMINISTRATIVE FINE, IF A LIKE AMOUNT HAS BEEN DEDUCTED FROM THE**  
23 **PRODUCER'S MILK CHECK. IF THE PRODUCER'S VIOLATIVE SHIPMENT CAUSED**  
24 **THE PARTIAL OR TOTAL LOSS OF A LOAD OF MILK, THE PRODUCER SHALL PAY**  
25 **DIRECTLY TO THE MILK BUYER AN ADDITIONAL ADMINISTRATIVE FINE EQUAL**  
26 **TO THE LOST VALUE OF THE CONTAMINATED LOAD AND ANY COSTS ASSOCIATED**  
27 **WITH THE DISPOSITION OF THAT LOAD.** The department shall be provided

1 with written notification of the payment. Written notification  
2 shall also be provided to the department of the date and location  
3 of the disposal of the entire contaminated load. Where a producer  
4 markets its own load of milk, the producer shall provide written  
5 notification to the department of the date and location of the  
6 disposal of the entire contaminated load. ~~If the producer's~~  
7 ~~violative shipment did not cause partial or total loss of a load of~~  
8 ~~milk as determined by an approved drug residue test, the producer~~  
9 ~~shall pay an administrative fine of \$500.00 to the department. The~~  
10 ~~milk buyer may pay the administrative fine, if a like amount has~~  
11 ~~been deducted from the producer's milk check.~~

12 (iii) The suspension of the producer's permit for a period not  
13 to exceed 60 days after notice and the opportunity for an  
14 administrative hearing before the department.

15 (iv) The producer will be required to test all milk prior to  
16 shipment with a drug residue test acceptable to the director for a  
17 minimum of 12 months and must retain records of these tests for a  
18 minimum of 18 months.

19 (v) The producer will be required to maintain complete drug  
20 treatment records for all lactating or near lactating dairy animals  
21 for a minimum of 12 months and must retain records of these  
22 treatments for a minimum of 18 months.

23 (2) The director may accept verification, on forms acceptable  
24 to the director, from the violative producer's milk marketing  
25 cooperative or purchaser of milk as satisfying the penalty  
26 requirements and may verify the information.

27 (3) The disposal method and location of disposal for violative

1 drug residue milk on the milk tank truck shall be immediately  
2 reported to the director, by the party making the disposal, on  
3 forms provided by and acceptable to the director.

4 (4) The director shall investigate the cause of the violative  
5 drug residue and shall discuss drug residue avoidance control  
6 measures with the violative producer.

7 (5) Selling or offering for sale milk which has been found  
8 violative for drug residues is determined by either of the  
9 following criteria:

10 (a) When milk is picked up from a milk producer by a milk tank  
11 truck and not commingled with milk from other producers, the milk  
12 becomes subject to possible drug residue penalties at the point the  
13 milk tank truck leaves the farm with the milk.

14 (b) When milk is picked up from a milk producer by a milk tank  
15 truck and commingled with milk from other producers, it becomes  
16 subject to possible drug residue penalties at the point of  
17 commingling.

18 (6) Section 124 applies to a producer who violates this act by  
19 selling or offering for sale milk which tests positive for  
20 violative drug residues on a test performed pursuant to sections  
21 131 and 132 only under the following circumstances:

22 (a) The producer fails to pay the administrative fine required  
23 by subsection (1) in compliance with subsections (8) and (9).

24 (b) The producer has been fined under subsection (1) within  
25 the preceding 12-month period 3 or more times.

26 (7) After notice and an opportunity for an administrative  
27 hearing pursuant to the administrative procedures act of 1969, 1969

1 PA 306, MCL 24.201 to 24.328, the director may revoke or suspend a  
2 license or permit issued under this act for any violation of this  
3 act or a rule promulgated under this act. Except as otherwise  
4 provided for under subsection (1), upon finding that a person  
5 violated a provision of this act or rule promulgated under this  
6 act, the director may impose an administrative fine of not more  
7 than \$1,000.00 and the actual costs of the investigation of the  
8 violation.

9 (8) The administrative fines imposed under subsection (1) or  
10 (7) shall be paid to the department within 10 days after  
11 notification of the violation **AND FINE** or within 10 days after  
12 notification of adverse findings following a hearing or appeal, or  
13 both. The administrative fines received by the department under  
14 this section shall be deposited into the dairy and food safety fund  
15 as provided for in section ~~110(18)~~**110(23)**.

16 (9) Failure to pay a load contamination or any other  
17 administrative fine imposed under this section within 120 days  
18 without making acceptable arrangements for payment of the fine may  
19 result in license revocation or permit suspension or court action,  
20 following notice and the opportunity for an administrative hearing.

21 (10) The director shall advise the attorney general of the  
22 failure of any person to pay an administrative fine imposed under  
23 this section. The attorney general shall bring an action in court  
24 of competent jurisdiction to recover the fine.

25 (11) A decision of the director under this section is subject  
26 to judicial review as provided by law.

27 (12) This section does not require the director to issue an

1 administrative fine or initiate court action for minor violations  
2 of this act whenever the department believes that the public  
3 interest will be adequately served under the circumstances by a  
4 suitable written notice or warning.