

HOUSE BILL No. 5612

December 1, 2009, Introduced by Reps. Bolger, Lori, Rogers, Scripps, Stanley, Pavlov, Liss and Genetski and referred to the Committee on Judiciary.

A bill to amend 2000 PA 92, entitled
"Food law of 2000,"
(MCL 289.1101 to 289.8111) by amending the title and by adding
section 5104.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to codify the licensure and regulation of certain
persons engaged in processing, manufacturing, production, packing,
preparing, repacking, canning, preserving, freezing, fabricating,
storing, selling, serving, or offering for sale food or drink for
human consumption; to prescribe powers and duties of the department
of agriculture; to provide for delegation of certain powers and

1 duties to certain local units of government; to provide exemptions;
2 to regulate the labeling, manufacture, distribution, and sale of
3 food for protection of the consuming public and to prevent fraud
4 and deception by prohibiting the misbranding, adulteration,
5 manufacture, distribution, and sale of foods in violation of this
6 act; to provide standards for food products and food
7 establishments; **TO PROVIDE FOR IMMUNITY TO CERTAIN PERSONS UNDER**
8 **CERTAIN CIRCUMSTANCES;** to provide for enforcement of the act; to
9 provide penalties and remedies for violation of the act; to provide
10 for fees; to provide for promulgation of rules; and to repeal acts
11 and parts of acts.

12 **SEC. 5104. A PERSON INCLUDING, BUT NOT LIMITED TO, A PERSON**
13 **ACTING AS A RETAIL FOOD ESTABLISHMENT, FARMER, WHOLESALER,**
14 **WHOLESALE PROCESSOR, OR DISTRIBUTOR, WHO DONATED FOOD FOR USE OR**
15 **DISTRIBUTION BY A NONPROFIT ORGANIZATION OR NONPROFIT CORPORATION,**
16 **AND A NONPROFIT ORGANIZATION OR NONPROFIT CORPORATION THAT COLLECTS**
17 **DONATED FOOD AND DISTRIBUTES THAT FOOD TO ANOTHER NONPROFIT**
18 **ORGANIZATION OR NONPROFIT CORPORATION FREE OF CHARGE OR FOR A**
19 **NOMINAL FEE, IS NOT LIABLE FOR ANY CIVIL DAMAGES OR SUBJECT TO**
20 **CRIMINAL LIABILITY RESULTING FROM THE NATURE, AGE, CONDITION, OR**
21 **PACKAGING OF THE FOOD UNLESS IT IS ESTABLISHED THAT THE DONOR OR**
22 **NONPROFIT ORGANIZATION OR NONPROFIT CORPORATION KNEW OR HAD**
23 **REASONABLE GROUNDS TO KNOW, AT THE TIME OF MAKING THE DONATION OR**
24 **DISTRIBUTION, THAT THE FOOD WAS ADULTERATED OR NOT FIT FOR HUMAN**
25 **CONSUMPTION.**