

Act No. 128
Public Acts of 2022
Approved by the Governor
June 29, 2022
Filed with the Secretary of State
June 29, 2022
EFFECTIVE DATE: June 29, 2022

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Reps. Posthumus, Alexander, Hertel, Steenland, Borton, Cambensy, Liberati,
Roth, Filler and Bezotte

ENROLLED HOUSE BILL No. 5747

AN ACT to amend 2001 PA 267, entitled “An act to define and regulate milk, cream, frozen desserts, and related foods and by-products of those foods under certain circumstances; to prescribe certain powers and duties of certain state agencies and officers; to prohibit the sale of unclean and unsanitary milk and manufactured dairy products and their use in the manufacture of food products; to prohibit unclean and unsanitary conditions of milk and milk processing establishments; to establish production and handling standards of sanitary milk and dairy products for manufacturing and manufactured dairy products; to regulate the sale and transportation of milk and dairy products for manufacturing purposes; to issue licenses and permits to certain persons and provide for the revocation or suspension of licenses and permits under certain circumstances; to impose certain fees; to require certain security devices under certain circumstances; to establish inspection requirements; to promulgate rules; to set certain standards for milk and dairy products, processing, and pasteurization; to provide for penalties and remedies; and to repeal acts and parts of acts,” (MCL 288.561 to 288.740) by adding section 92.

The People of the State of Michigan enact:

Sec. 92. (1) To facilitate continued access to markets for milk and dairy products, the department may do 1 or both of the following:

(a) At the request of a processor or based upon records voluntarily supplied by a processor, inspect, audit, or certify a dairy plant where milk or dairy products are processed, pasteurized, or aseptically processed in this state.

(b) Issue certificates of free sale under subsection (3).

(2) A processor shall submit an application for a certificate of free sale on a form and in a manner prescribed by the department.

(3) The department shall grant or deny an application for a certificate of free sale within 10 business days after the department receives a completed application under subsection (2) and the application fee under subsection (4). If the department determines that the application meets the requirements of this act and the rules promulgated under this act, the department shall issue a certificate of free sale. If the department determines that the application does not meet the requirements of this act or the rules promulgated under this act, the department shall deny the application and send a written notice to the processor stating the reasons for the denial.

(4) If a certificate of free sale is issued under subsection (3), the processor shall pay the department the following fees, as applicable:

(a) An application fee, \$60.00.

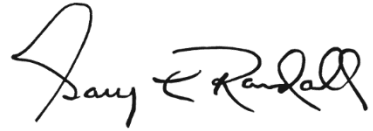
(b) A duplicate copy of a certificate of free sale, \$10.00.

(5) A fee collected under subsection (4) must be deposited in the dairy and food safety fund created in section 4117 of the food law of 2000, MCL 289.4117.

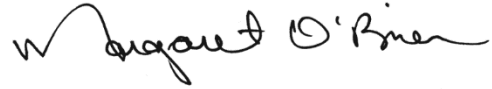
(6) A certificate of free sale issued under this section is valid for 1 year.

(7) As used in this section, "certificate of free sale" means a document that is issued by the department that verifies that the milk or dairy product listed is processed, pasteurized, or aseptically processed in this state and is legally sold or distributed in this state and on the open market with the approval of the department.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor