

**SUBSTITUTE FOR
HOUSE BILL NO. 4989**

A bill to amend 2000 PA 92, entitled
"Food law,"
by amending sections 3119, 4103, and 4117 (MCL 289.3119, 289.4103,
and 289.4117), sections 3119 and 4103 as amended by 2018 PA 92 and
section 4117 as amended by 2012 PA 178.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3119. (1) Until December 31, ~~2023, and except as~~
2 ~~otherwise provided for in subsection (2), upon 2027, on~~ submission
3 of an application, an applicant for a food service establishment
4 license shall pay to the local health department having
5 jurisdiction the required fees authorized by section 2444 of the
6 public health code, MCL 333.2444, and an additional state license
7 fee as follows:



- 1 (a) Temporary food service establishment..... \$ 4.00.
- 2 (b) Food service establishment..... \$ 25.00.
- 3 (c) Mobile food establishment commissary..... \$ 25.00.
- 4 (d) ~~Special transitory~~ **Transitory** food \$ 39.00.
- 5 unit.....

6 ~~(2) When licensing a special transitory food unit, a local~~
 7 ~~health department shall impose a fee of \$150.00, which includes the~~
 8 ~~additional state license fee imposed under subsection (1) unless~~
 9 ~~exempted under subsection (4) or (5).~~

10 **(2)** ~~(3)~~—The state license fee required under subsection (1)
 11 must be collected by the local health department at the time the
 12 license application is submitted. The state license fee is due and
 13 payable by the local health department to the state within 60 days
 14 after the fee is collected.

15 **(3)** ~~(4)~~—A charitable, religious, fraternal, service, civic, or
 16 other nonprofit organization that has tax-exempt status under
 17 section 501(c) (3) of the internal revenue code, 26 USC 501, is
 18 exempt from paying additional state license fees imposed under this
 19 section. This subsection does not restrict the ability of the
 20 governing board of a local health department or authority to fix,
 21 revoke, or amend fees as further authorized and described under
 22 section 2444 of the public health code, MCL 333.2444. An
 23 organization seeking an exemption under this subsection shall
 24 furnish to the department or a local health department evidence of
 25 its tax-exempt status.

26 **(4)** ~~(5)~~—A veteran who has a waiver of a license fee under the
 27 circumstances described in 1921 PA 359, MCL 35.441 to 35.443, is
 28 exempt from paying the fees prescribed in this section.

29 **(5)** ~~(6)~~—The local health department shall forward the ~~license~~



1 applications to the department with appropriate recommendations.

2 Sec. 4103. (1) An applicant shall submit an application for a
3 food establishment license at least 30 calendar days before the
4 date planned for its opening or the change of ownership. For
5 temporary food establishments applying less than 4 days from
6 opening, the director may charge twice the applicable license fee
7 to perform the licensing evaluation.

8 (2) ~~Application~~ **An application** for ~~the a~~ license under
9 subsection (1) must be submitted ~~upon the on~~ forms approved by the
10 department and ~~must~~ contain the reasonable information required by
11 the department to process the application.

12 (3) An application for a mobile food establishment license
13 must include ~~all of the~~ following information:

14 (a) The location and dates of the operation.

15 (b) The name and address of the commissary that will service
16 the applicant.

17 (4) Within 10 days after a change in the servicing commissary,
18 the mobile food establishment licensee shall submit an affidavit
19 containing the name and address of the new commissary servicing the
20 licensee.

21 (5) The local health department shall forward license
22 recommendations to the department. Section ~~3119(6)~~ **3119(5)** does not
23 apply.

24 (6) The director may issue a temporary food establishment
25 license. The director, ~~pursuant to~~ **in accordance with** uniformly
26 applied department guidance, may decline to issue multiple
27 temporary food establishment licenses for the same establishment
28 within a given calendar year.

29 Sec. 4117. (1) Except as provided in subsections (2) and (3),



1 money collected under this chapter by the department ~~shall~~**must** be
 2 credited to the dairy and food safety fund that is created as a
 3 restricted fund within the state treasury. The state treasurer may
 4 receive money or other assets, from appropriations or from any
 5 other source, for deposit into the fund. The state treasurer shall
 6 direct the investment of the fund. The money in the fund ~~shall~~**does**
 7 not lapse to the general fund at the end of the fiscal year and
 8 ~~shall carry~~**carries** over to the following fiscal years. The state
 9 treasurer shall credit to the fund interest and earnings from fund
 10 investments. The department shall administer the fund and shall
 11 expend money from the fund for the purpose of administering this
 12 act and enforcing the provisions of this act, the grade A milk law
 13 of 2001, 2001 PA 266, MCL 288.471 to 288.540, and the manufacturing
 14 milk law of 2001, 2001 PA 267, MCL 288.561 to 288.740. The
 15 department shall be the administrator of the fund for auditing
 16 purposes.

17 (2) A consumer food safety education fund is created as a
 18 revolving fund in the department of treasury. The consumer food
 19 safety education fund ~~shall~~**must** be administered by the department
 20 and funded by adding \$3.00 to the fee for each food establishment
 21 license in all categories except vending machines and in cases of
 22 fee-exempt food establishments. The money in the fund ~~shall~~**must** be
 23 used to provide statewide training and education to consumers on
 24 food safety. Money remaining in the fund at the end of the fiscal
 25 year ~~shall be carried~~**carries** forward into the next fiscal year.

26 (3) An industry food-safety education fund is created as a
 27 revolving fund in the department of treasury. The industry food-
 28 safety education fund ~~shall~~**must** be administered by the department
 29 and funded by adding \$2.00 to the fee for each food service



1 establishment license in all categories except vending machines and
2 in cases of fee-exempt food establishments. The money in the fund
3 ~~shall~~**must** be used to provide food safety training and education to
4 food service establishment employees and agents of the director who
5 enforce this act. Money remaining in the fund at the end of the
6 fiscal year ~~shall be carried~~**carries** forward into the next fiscal
7 year.

8 (4) As used in this section, "fee-exempt food establishment"
9 means a food establishment exempt from all state and local food
10 establishment license fees under section ~~3119(4)~~**3119(3)** combined
11 with an exemption from the local health department sanitation
12 service fee under section 2444 of the public health code, MCL
13 333.2444.

