

# SENATE BILL NO. 986

August 15, 2024, Introduced by Senator ANTHONY and referred to the Committee on Regulatory Affairs.

A bill to amend 2000 PA 92, entitled  
"Food law,"  
by amending section 4105 (MCL 289.4105), as amended by 2016 PA 188.

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

1           Sec. 4105. (1) A person, establishment, or organization that  
2 is 1 or more of the following is exempt from the licensure  
3 requirements under this act:

4           (a) Subject to subsection (2), an establishment licensed under  
5 1 of the following acts while conducting activities within the  
6 scope of that act:

1 (i) Grain dealers act, 1939 PA 141, MCL 285.61 to 285.89.

2 (ii) 1959 PA 228, MCL 286.371 to 286.379.

3 (iii) 1964 PA 158, MCL 290.451 to 290.466.

4 (iv) Grade A milk law of 2001, 2001 PA 266, MCL 288.471 to  
5 288.540.

6 (v) Manufacturing milk law of 2001, 2001 PA 267, MCL 288.561  
7 to 288.740.

8 (b) A person that is offering only whole uncut fresh fruits  
9 and vegetables directly to consumers.

10 (c) Consumers or nonprofit cooperatives of consumers in  
11 compliance with the nonprofit corporation act, 1982 PA 162, MCL  
12 450.2101 to 450.3192, providing products from regulated sources  
13 only for their own use.

14 (d) Nonprofit cooperatives in compliance with the nonprofit  
15 corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, that are  
16 growers selling unprocessed products of their own production or are  
17 producers selling unprocessed products of their own production from  
18 regulated sources.

19 (e) Retail outlets for the sale of prepackaged honey or maple  
20 syrup produced in this state if the outlet is operated by the  
21 producer and the processing facility is licensed under this act.  
22 Both retail outlets and processing facilities are exempt from  
23 licensure under this act for producers with gross sales of  
24 \$15,001.00 or less of honey or maple syrup, ~~—In such case, and~~ the  
25 honey and maple syrup ~~shall~~ **must** have ~~labeling~~ **a label that is**  
26 substantially similar to ~~that for~~ cottage food products as  
27 described in section 4102(3).

28 (f) A temporary food establishment with no food preparation  
29 using only single-service articles and serving only non-

1 potentially-hazardous food or beverage.

2 (g) A retail food establishment that does both of the  
3 following:

4 (i) Only sells prepackaged, non-potentially-hazardous foods.

5 (ii) Offers only an incidental amount of food, such as the sale  
6 of single-service packages.

7 (h) A mobile food establishment, such as an ice cream truck,  
8 that offers only prepackaged, single-serving frozen desserts.

9 (i) An event not open to the general public held by a  
10 nonprofit trade association representing food establishments,  
11 suppliers, or manufacturers where limited food preparation takes  
12 place for the purpose of advertising, displaying, promoting, and  
13 sampling prepared food.

14 (j) A commercial fishing guide service that serves lunch to a  
15 party of not more than 12 clients on or adjacent to a body of  
16 water, river, or stream while pursuing, catching, killing, taking,  
17 or attempting to take fish. As used in this ~~subparagraph,~~  
18 **subdivision**, "commercial fishing guide service" means a service  
19 provided for a fee or other valuable consideration, regardless of  
20 whether the fee or other valuable consideration is paid directly or  
21 indirectly, to assist another person in pursuing, catching,  
22 killing, taking, or attempting to take fish.

23 (k) A person ~~owning~~ **that owns** or ~~operating~~ **operates** a device  
24 that dispenses only bottled or canned soft drinks; other packaged  
25 nonperishable foods or beverages; or bulk gum, nuts, and panned  
26 candies.

27 (l) Feeding operations set up in response to an emergency or  
28 disaster.

29 (m) A person ~~operating~~ **that operates** as a food warehouse or

1 food processor, if the food warehouse or food processor contains or  
2 handles only uncut fruits or vegetables, or both, and meets all of  
3 the following criteria:

4 (i) The establishment is owned and operated by the person  
5 producing the fruits or vegetables, or both.

6 (ii) Activities at the establishment are limited to storing,  
7 grading, sorting, packing, washing, trimming, and refrigerating.

8 (iii) The fruits or vegetables, or both, are primarily from the  
9 person's own production, and the balance are products of the same  
10 genus or genera from other agricultural producers.

11 (iv) The food is not "potentially hazardous food  
12 (time/temperature control for safety food)" as defined in the food  
13 code.

14 **(n) An individual who operates a location under the**  
15 **requirements of 1978 PA 260, MCL 393.351 to 393.368.**

16 (2) Notwithstanding subsection (1)(a), a person ~~operating that~~  
17 **operates** as or ~~conducting~~ **conducts** activities the director  
18 considers to be a food establishment must be licensed in the  
19 appropriate category under this act.

20 (3) If food is prepared in a food service establishment  
21 licensed under this chapter and the food is transported from the  
22 food service establishment to a fixed temporary serving location,  
23 the serving location is not required to be separately licensed and  
24 is considered an extension of the food service establishment if no  
25 food preparation is conducted at the serving location and the food  
26 is transported and served by employees of the food service  
27 establishment.

28 (4) If prepackaged food is transported from a food  
29 establishment licensed under this chapter to a sales location at a

1 farmers' market, fair, or festival, the sales location is not  
2 required to be separately licensed and is considered an extension  
3 of the food establishment if the food is transported and sold by  
4 employees of the food establishment.

5 (5) If prepackaged food is transported from a food  
6 establishment licensed under this chapter to 1 or more vending  
7 machine locations by employees of the food establishment and the  
8 vending machine or machines are maintained by employees of the food  
9 establishment, the vending machine locations are not required to be  
10 separately licensed and are considered to be an extension of the  
11 food establishment, which ~~shall~~**must** be separately licensed.  
12 However, if the food establishment from which the prepackaged food  
13 is transported is located in another state, both of the following  
14 apply:

15 (a) One of the vending machine locations in this state ~~shall~~  
16 **must** be separately licensed as a food establishment.

17 (b) The remaining vending machine locations in this state are  
18 not required to be separately licensed and are considered to be an  
19 extension of the food establishment under subdivision (a).