

HOUSE BILL NO. 5005

September 14, 2023, Introduced by Reps. Price, Steckloff, Paiz, Brixie, Breen, Bruck, Tsernoglou and Andrews and referred to the Committee on Economic Development and Small Business.

A bill to amend 2000 PA 92, entitled
"Food law,"
by amending section 6101 (MCL 289.6101), as amended by 2012 PA 178.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6101. (1) Chapters 1 through 8 of the food code are
2 incorporated by reference except as amended and modified as
3 follows:

4 (a) Where provisions of this act and rules specify different
5 requirements.

6 (b) Section 3-401.14 is modified to read as follows:

1 "3-401.14 Non-Continuous Cooking of Raw Animal Foods.

2 Raw animal foods that are cooked using a non-continuous
3 cooking process shall be:

4 (A) Subject to an initial heating process that is no longer
5 than 60 minutes in duration;^P

6 (B) Immediately after initial heating, cooled according to the
7 time and temperature parameters specified for cooked potentially
8 hazardous food (time/temperature control for safety food) under
9 paragraph 3-501.14(A);^P

10 (C) After cooling, held frozen or cold, as specified for
11 potentially hazardous food (time/temperature control for safety
12 food) under paragraph 3-501.16(A) (2);^P

13 (D) ~~Prior to~~ **Before** sale or service, cooked using a process
14 that heats all parts of the food to a time/temperature specified in
15 paragraph 3-401.11(A);^P

16 (E) Cooled according to the time and temperature parameters
17 specified for cooked potentially hazardous food (time/temperature
18 control for safety food) under paragraph 3-501.14(A) if not either
19 hot held as specified under paragraph 3-501.16(A), served
20 immediately, or held using time as a public health control as
21 specified under section 3-501.19 after complete cooking;^P and

22 (F) Stored as follows:

23 (1) After initial heating but ~~prior to~~ **before** cooking as
24 specified under paragraph (D) of this section, separate from ready-
25 to-eat foods as specified under paragraph 3-302.11;^{Pf} and

26 (2) After initial heating, but ~~prior to~~ **before** complete
27 cooking, marked or otherwise identified as foods that must be
28 cooked as specified under paragraph (D) of this section ~~prior to~~
29 **before** being offered for sale or service.^{Pf} The food may be

1 identified in any effective manner provided that the marking system
2 is disclosed to the regulatory authority upon request."

3 (c) Section 2-103.11(L) is modified to read as follows:

4 "Employees are properly trained in food safety as it relates
5 to their assigned duties;^{PF} and".

6 (d) Section 6-501.115(B) is modified by the addition of
7 subparagraph (6) that reads as follows:

8 "(6) A dog that is controlled by a customer in a qualified
9 premises if all of the following apply:

10 (a) The qualified premises does not serve food.

11 (b) A health or safety hazard will not result from the
12 presence or activities of the dog.

13 (c) All of the following requirements are met:

14 (i) The qualified premises is maintained free of visible dog
15 hair, dog dander, and other dog-related waste and debris. The
16 qualified premises is cleaned and disinfected appropriately as
17 needed.

18 (ii) Surfaces contaminated by the waste created from a dog's
19 bodily functions are immediately cleaned and disinfected.

20 (iii) Equipment used to clean and that comes in contact with
21 waste from a dog's bodily functions is stored separate from all
22 other cleaning equipment and is not used for other cleaning
23 purposes.

24 (iv) All dog waste is disposed of at least daily outside of the
25 qualified premises in a covered waste receptacle.

26 (v) An employee who touches the dog or cleans waste from the
27 dog's bodily functions does not serve beverages or handle tableware
28 until the employee has washed the employee's hands.

29 (vi) The dog is not allowed on a seat, chair, or customer's

1 lap, or allowed to contact a tabletop, countertop, or similar
2 surface in the qualified premises.

3 (vii) The dog is not allowed to contact reusable tableware
4 unless the tableware is dedicated for use by dogs and readily
5 distinguishable as such or is provided by the customer handling the
6 dog.

7 (viii) The dog is not allowed in an area where drinks are
8 prepared.

9 (ix) The dog is not unattended.

10 (x) The customer is 18 years of age or older.

11 (xi) The customer keeps the dog on a leash.

12 (d) The qualified premises may do any of the following:

13 (i) Determine the location and the amount of space designated
14 for a customer accompanied by a dog.

15 (ii) Establish a limit on the size and type of dog and any
16 other limitation relating to a customer's dog.

17 (iii) Deny entry or eject from the qualified premises a customer
18 and the customer's dog."

19 (2) The director, by rule, may adopt any changes or updates to
20 the food code.

21 (3) The annexes of the food code are ~~considered~~ persuasive
22 authority for interpretation of the food code.

23 (4) As used in subsection (1) (d), "qualified premises" means
24 any of the following:

25 (a) The licensed premises of a micro brewer, as that term is
26 defined in section 109 of the Michigan liquor control code of 1998,
27 1998 PA 58, MCL 436.1109.

28 (b) The licensed premises of a small wine maker, as that term
29 is defined in section 111 of the Michigan liquor control code of

1 1998, 1998 PA 58, MCL 436.1111.

2 (c) A tasting room, as that term is defined in section 113 of

3 the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1113.