

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).