

HOUSE BILL NO. 4881

September 11, 2025, Introduced by Reps. Neyer, Borton, Wozniak, Martin and Schuette and referred to Committee on Agriculture.

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:

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

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

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

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

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

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

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

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

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

(f) A temporary food establishment with no food preparation 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 "commercial fishing guide service" means a service provided for a
19 fee or other valuable consideration, regardless of whether the fee
20 or other valuable consideration is paid directly or indirectly, to
21 assist another person in pursuing, catching, killing, taking, or
22 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 or~~
26 panned 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~~**that produces** 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 **that term is** defined
 13 in the food code.

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

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

26 (4) If prepackaged food is transported from a food
 27 establishment licensed under this chapter to a sales location at a
 28 farmers' market, fair, or festival, the sales location is not
 29 required to be separately licensed and is considered an extension

1 of the food establishment if the food is transported and sold by
2 employees of the food establishment.

3 (5) If prepackaged food is transported from a food
4 establishment licensed under this chapter to 1 or more vending
5 machine locations by employees of the food establishment and the
6 vending machine or machines are maintained by employees of the food
7 establishment, the vending machine locations are not required to be
8 separately licensed and are ~~considered to be~~ an extension of the
9 food establishment, which ~~shall~~**must** be separately licensed.

10 However, if the food establishment from which the prepackaged food
11 is transported is located in another state, both of the following
12 apply:

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

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

18 Enacting section 1. This amendatory act does not take effect
19 unless House Bill No. 4882 (request no. H03341'25) of the 103rd
20 Legislature is enacted into law.