

**PUBLIC HEALTH CODE (EXCERPT)**  
**Act 368 of 1978**

\*\*\*\*\* 333.12909 SUBSECTION (3) EXPIRES AUGUST 17, 1981: See (3) of 333.12909 \*\*\*\*\*

**333.12909 Rules; manufacturing, processing, or freezing frozen desserts; compliance with standards; adoption of federal provisions by reference; recognition of other enforcement procedures; meanings of certain terms; expiration of subsection (3); food service establishment or vending machine in place before effective date of part; food service sanitation program as required service.**

Sec. 12909. (1) The department shall promulgate rules to prescribe criteria for programs by local health departments and procedures for the administration and enforcement of this part. The department may promulgate rules to prescribe minimum standards of sanitation for the protection of the public health and otherwise provide for the implementation of this part. The department in promulgating these rules shall seek the advice and counsel of local health departments and the food service industry.

(2) The manufacturing, processing, or freezing of frozen desserts as defined in section 2 of the frozen desserts act of 1968, Act No. 298 of the Public Acts of 1968, being section 288.322 of the Michigan Compiled Laws, in food service establishments licensed pursuant to this part, which frozen desserts are intended only for use in the soft form by patrons, guests, patients, or employees, shall comply with the standards of this part and rules promulgated pursuant to this part.

(3) Except as otherwise specifically defined or described in this part, the provisions of the 1976 recommendations of the United States food and drug administration for a food service sanitation manual, including a model food service sanitation ordinance and the unabridged form of "the vending of food and beverages--a sanitation ordinance and code--1965 recommendations of the public health service" are adopted, except any reference in these ordinances and codes to adulteration, misbranding, advertising, and enforcement procedures. Upon written request from a local health department, the department may recognize certain enforcement procedures other than those contained in this part and rules promulgated under this part, when the procedures will result in enforcement which is equivalent in effectiveness and have been legally adopted by the local department of health. The words "municipality of . . ." as used in the recommendations for a model food service sanitation ordinance shall mean the state and the term "regulatory authority" shall mean the local health officer in charge of a local health department or the local health officer's designated representative. This subsection shall expire September 30, 1981 or when the rules promulgated under subsection (1) are promulgated, whichever is sooner.

(4) The design, construction, and equipment of a food service establishment or vending machine which was in place before the effective date of standards developed or adopted under this part shall be considered to be in compliance with this part if they are in compliance with the standards in effect on the date they were installed and if they are in good repair and are being maintained in a sanitary condition.

(5) A food service sanitation program which meets the requirements of this part is a required service under part 24.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1982, Act 324, Eff. Mar. 30, 1983.

**Compiler's note:** Subsection (3) of this section expired August 17, 1981, the date rules authorized under subsection (1) were promulgated, being R 325.25101 et seq. of the Michigan Administrative Code.

For transfer of powers and duties of the food service sanitation program from the department of public health to the director of the department of agriculture, see E.R.O. No. 1996-1, compiled at MCL 330.3101 of the Michigan Compiled Laws.

**Popular name:** Act 368

**Administrative rules:** R 285.514.1 of the Michigan Administrative Code.