

## FOOD LAW (EXCERPT)

Act 92 of 2000

### CHAPTER VI

#### STANDARDS FOR FOOD ESTABLISHMENTS

##### **289.6101 Incorporation by reference; changes or updates by rule; annexes.**

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

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

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

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

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

(A) Subject to an initial heating process that is no longer than 60 minutes in duration;<sup>P</sup>

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

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

(D) Prior to sale or service, cooked using a process that heats all parts of the food to a time/temperature specified in paragraph 3-401.11(A);<sup>P</sup>

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

(F) Stored as follows:

(1) After initial heating but prior to cooking as specified under paragraph (D) of this section, separate from ready-to-eat foods as specified under paragraph 3-302.11;<sup>Pf</sup> and

(2) After initial heating, but prior to complete cooking, marked or otherwise identified as foods that must be cooked as specified under paragraph (D) of this section prior to being offered for sale or service.<sup>Pf</sup> The food may be identified in any effective manner provided that the marking system is disclosed to the regulatory authority upon request."

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

"Employees are properly trained in food safety as it relates to their assigned duties;<sup>Pf</sup> and"

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

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

**History:** 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2002, Act 487, Imd. Eff. June 27, 2002;—Am. 2007, Act 114, Eff. Apr. 1, 2008;—Am. 2012, Act 178, Eff. Oct. 1, 2012.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

"Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

"(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

"(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act."

##### **289.6103 Plan review exemption.**

Sec. 6103. (1) The following food establishments are exempt from the requirement for plan review and approval specified in section 8-201.11 of the food code:

(a) A temporary food establishment.

(b) A retail grocery.

(2) The plan review exemption for a retail grocery in subsection (1) does not apply to the operation of a food service establishment within a retail grocery. For purposes of this section, a deli within a retail grocery is not considered a food service establishment unless it provides seating for the customers.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

"Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

"(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911,

12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.6105 Plans and specifications; transmittal letter; fees; rejection.**

Sec. 6105. (1) A person seeking approval of plans and specifications for a food establishment shall submit a transmittal letter with the plans and specifications. The letter shall identify and summarize the plans or projects and shall indicate the owner, operator, or designated agent.

(2) An applicant shall submit any required fees, as authorized by section 2444 of the public health code, MCL 333.2444, or this act.

(3) The director may reject the plans for a proposed food establishment if any of the information required by the food code is not included, is incomplete, or is inaccurate.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.6107 Plans and specifications; review by director; revisions; approval; expiration; availability for inspection.**

Sec. 6107. (1) The director shall review plans and specifications received under section 6105 as soon as practicable after receipt to determine their completeness and adequacy. If a submission of complete plans and specifications is not reviewed within 30 business days of receipt, the plans and specifications shall be considered to have been determined to be complete and adequate. Thereafter, construction may proceed without the director's authorization. Approval of the plans and specifications by operation of law does not relieve the license applicant or license holder from compliance with other provisions of this act.

(2) If the director determines that plans and specifications are incomplete or inadequate, or both, he or she shall notify the license applicant or license holder in writing and shall request the submission of revised plans and specifications with appropriate corrections or additions. The director shall not approve the plans and specifications until he or she determines that the plans and specifications are complete and adequate and that the food establishment is designed in accordance with the food code and this act.

(3) Upon a determination that the plans and specifications are complete and adequate, the director shall mark the plans and specifications showing approval and the date of approval, shall notify the license applicant or license holder in writing of the approval, and shall authorize construction, conversion, alteration, or remodeling of the food establishment.

(4) Approval of plans and specifications by the director and authorization for construction pursuant to the food code, this act, and rules expire if construction, conversion, alteration, or remodeling has not commenced within 1 year from the date of approval or has been interrupted for 1 year or more since the date of approval. A license applicant or license holder may apply in writing to the director for an extension of the approval and construction authorization before the approval expires. The request for extension shall identify the project for which the approval and construction authorization were originally granted and the reason for requesting the extension. The director may require modification of the plans and specifications to incorporate updated food safety practices or requirements, where applicable, unless the license applicant or license holder has entered into binding agreements or contractual obligations which cannot be canceled or modified without substantial loss to the license applicant or license holder as determined by the director.

(5) The approved plans and specifications shall be kept on-site during construction and shall be available for inspection by the director.

**History:** 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2012, Act 178, Eff. Oct. 1, 2012.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.6109 Plans and specifications; conditions to approval.**

Sec. 6109. The director may attach any condition to an approval of plans and specifications granted under section 6107 that he or she considers necessary to assure proper construction, conversion, alteration, or remodeling of a food establishment or portion of the food establishment.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.6111 Approved plans and specifications; submission of changes; as-built plans.**

Sec. 6111. (1) A license applicant or license holder shall submit in writing to the director a change in approved plans and specifications. Written approval must be obtained before construction under the approved plans and specifications.

(2) Upon request of the director, a license applicant or license holder shall submit as-built plans, clearly showing the work as constructed.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.6113 Rescission of construction authorization.**

Sec. 6113. (1) The director may rescind his or her authorization for construction, conversion, alteration, or remodeling of a food establishment if he or she determines that the license applicant or license holder is not undertaking construction in accordance with approved plans and specifications. The director shall notify the license applicant or license holder before rescission of construction authorization, advise him or her of required corrective action, and afford him or her the opportunity to take any required corrective action.

(2) The director shall order the license applicant or license holder in writing to cease construction, alteration, conversion, or remodeling activities if the applicant or license holder does any of the following:

(a) Fails to submit required plans and specifications for the construction, alteration, extensive remodeling, or conversion to use as a food establishment.

(b) Fails to construct, alter, extensively remodel, or convert a food establishment in accordance with plans and specifications approved by the director.

(c) Fails to take corrective action as required pursuant to this section.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.6115 Preopening evaluation.**

Sec. 6115. (1) After completion of the construction, alteration, conversion, or remodeling and before the opening of a food service establishment, the license applicant or license holder shall notify the director of the completion, shall submit an application for a license to operate the food service establishment, and shall arrange for a preopening evaluation.

(2) During the preopening evaluation, the director shall determine whether the food establishment was constructed, altered, converted, or remodeled in accordance with the approved plans and specifications.

(3) Local health departments may specify when requests for preopening inspections are to be submitted.

**History:** 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2007, Act 114, Eff. Apr. 1, 2008.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.6117 Exhaust ventilation; design, construction, and installation.**

Sec. 6117. Exhaust ventilation shall be designed, constructed, and installed in compliance with applicable state law.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.6119 Repealed. 2002, Act 487, Imd. Eff. June 27, 2002.**

**Compiler's note:** The repealed section pertained to ventilation balance report.

### **289.6121 Repealed. 2002, Act 487, Imd. Eff. June 27, 2002.**

**Compiler's note:** The repealed section pertained to ventilation test and operating temperature.

### **289.6123 Repealed. 2002, Act 487, Imd. Eff. June 27, 2002.**

**Compiler's note:** The repealed section pertained to ventilation system and smoke test.

### **289.6125 Ice bins and machines; connection with waste line.**

Sec. 6125. The waste line from ice storage bins and ice machines shall not be directly connected with another waste line and shall be drained through an air gap.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.6127 Repealed. 2009, Act 188, Eff. May 1, 2010.**

**Compiler's note:** The repealed section pertained to smoking in retail food establishments.

### **289.6129 Consideration of risk-based evaluation methodology; evaluation report; priority items or priority foundation items; correction.**

Sec. 6129. (1) The director shall consider the risk-based evaluation methodology as described in food code annex 5, section 4 A-H for conducting evaluations of food establishments.

(2) The completed evaluation report shall specify a period of time for correction of noted violations. The license holder shall correct the violations within the time specified in the report.

(3) All violations which are marked as priority items or priority foundation items on the evaluation report form shall be corrected immediately unless otherwise specified. The director shall confirm corrections within 30 days after the report is issued. However, if not more than 2 priority foundation item violations are noted and the director determines that the violations are not a risk to food safety, the director may confirm correction of the priority foundation item violations at the next routine evaluation.

**History:** 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2007, Act 114, Eff. Apr. 1, 2008;—Am. 2012, Act 178, Eff. Oct. 1, 2012.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a

food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

#### **289.6131 Mobile units with retention tanks; sanitary disposal of liquid waste.**

Sec. 6131. (1) Each commissary where mobile units with retention tanks are serviced shall provide for the sanitary disposal of liquid waste.

(2) The local health department shall approve locations for the sanitary disposal of liquid waste.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

#### **289.6133 Mobile food establishment operating at fixed location; temporary license.**

Sec. 6133. The director may license as a temporary food service establishment a mobile food establishment which does not return to a commissary or service base after 24 hours but continues to operate at a fixed location.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

#### **289.6135 Mobile food establishment; affixing name and address to vehicle; carrying copy of limitations; route schedule; decals.**

Sec. 6135. (1) The name and address of the business operating a mobile food establishment shall be affixed to each side of the exterior of the vehicle in letters not less than 3 inches high and 3/8 of an inch wide and shall be in contrast to the vehicle background color. When more than 1 mobile food service establishment is operated by the same person, the director shall assign a number to each establishment.

(2) A copy of limitations attached to the license of a mobile food service establishment shall be carried on the mobile food service establishment at all times.

(3) If a mobile food establishment is operating on a regularly scheduled route, the director may require the license holder to provide a copy of the route schedule when the license is approved and every time the route schedule is changed.

(4) The director or the operator in the presence of the director shall affix 2 decals provided by the department on the mobile food establishment at the time the license is issued. The decals shall be conspicuously displayed on each side of the mobile food establishment so as to be visible when in transit and while serving the public.

**History:** 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2012, Act 178, Eff. Oct. 1, 2012.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

#### **289.6137 Special transitory food unit license; procedures; qualifications; noncompliance.**

Sec. 6137. (1) To qualify for a special transitory food unit license, an applicant shall allow a review and receive approval of plans and specifications as specified in chapter VI. This review and approval must include the menu and standard operating procedures for the unit.



- (2) A special transitory food unit license holder shall do all of the following:
- (a) Keep a copy of the approved standard operating procedures in the unit and available for review upon evaluation by the director.
  - (b) Operate in compliance with standard operation procedures approved by the director.
  - (c) Before serving food within the jurisdiction of a local health department, notify the local health department in writing of each location in the jurisdiction at which food will be served and the dates and hours of service. The license holder shall mail the notice by first-class mail or deliver the notice not less than 4 business days before any food is served or prepared for serving within the jurisdiction of the local health department.
  - (d) While in operation, request and receive 2 evaluations per licensing year spaced generally over the span of the operating season. A local health department and the department shall charge a fee of \$90.00 for such an evaluation.
  - (e) Send a copy of all evaluation reports to the regulatory authority that approved the license within 30 days after receipt.
- (3) If a license holder fails to comply with any of the requirements of this section or the food code, the food establishment is ineligible for licensure as a special transitory temporary food establishment for the following licensing year and must apply for temporary or other type of food establishment licenses.

**History:** 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2007, Act 114, Eff. Apr. 1, 2008.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.6139 Sulfiting agents; prohibition.**

Sec. 6139. A food service establishment shall not store on the premises or apply to any food prepared in the food service establishment sulfiting agents.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

### **289.6140 Milk and milk products.**

Sec. 6140. (1) Only pasteurized ingredients from a department-approved source shall be used for milk and milk products manufactured, sold, served, or prepared at a retail food establishment. Such ingredients include, but are not limited to, milk, milk solids, whey, nonfat dry milk, condensed milk, cream, skim milk, eggs, and egg products.

(2) Ingredients that may be subsequently added to milk or milk products are those flavorings or other ingredients that have been found to be safe and suitable and added in a manner to prevent contamination, including, but not limited to, the following:

(a) Ingredients permitted by a standard of identity for milk or milk products under the federal act or regulations.

(b) Fresh fruits and vegetables added to cultured milk and cultured milk products provided the resultant equilibrium pH level (4.6 or below when measured at 24 degrees Celsius (75 degrees Fahrenheit)) of the finished product is reached without undue delay and is maintained during the shelf life of the product.

(c) Ingredients subjected to prior heating sufficient to destroy pathogenic microorganisms such as roasted nuts or dried fruits.

(d) Ingredients having a water activity ( $A_w$ ) value of 0.85 or less.

(e) Ingredients having a high acid content (pH level of 4.6 or below when measured at 24 degrees Celsius (75 degrees Fahrenheit)) or high alkalinity (pH level greater than 11 when measured at 24 degrees Celsius (75 degrees Fahrenheit)).

(f) Dry sugars and salts.

- (g) Flavor extracts having a high alcohol content.
- (h) Safe and suitable bacterial cultures and enzymes.
- (i) Other ingredients that have been found to be safe and suitable by the U.S. food and drug administration.
- (3) Retail food establishments that manufacture and wholesale milk and milk products must additionally be licensed pursuant to and meet requirements of the manufacturing milk law, 2001 PA 267, MCL 288.561 to 288.740, or the grade A milk law, 2001 PA 266, MCL 288.471 to 288.540.

**History:** Add. 2007, Act 114, Eff. Apr. 1, 2008.

#### **289.6141 Antichoking techniques; display of poster.**

Sec. 6141. (1) A food service establishment in which solid foods are sold and consumed on the premises shall prominently display a poster in the kitchen area of the food service establishment diagramming and explaining the antichoking techniques safe for both adults and children approved by the department for dislodging foreign obstacles caught in the throat of a choking person.

(2) This section does not impose a duty upon the owners or employees of a food service establishment to apply antichoking techniques.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

"Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

"(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

"(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act."

#### **289.6143 Preparation or service of wild game by nonprofit organization; requirements.**

Sec. 6143. (1) A charitable, religious, fraternal, or other nonprofit organization that prepares or serves wild game in connection with its meetings or as part of a fund-raising event or that prepares or serves wild game to indigent persons free of charge is not required to obtain the wild game from a department-approved source.

(2) If a charitable, religious, fraternal, or other nonprofit organization prepares or serves wild game that is not from a department-approved source in connection with its meetings or a part of a fund-raising event or prepares or serves wild game that is not from a department-approved source to indigent persons free of charge, the organization shall post at the entrance to the dining area a sign bearing the following message: "The wild game served at this facility has not been subject to state or federal inspection." The words of the message shall be written or printed in letters not less than 3/4 of an inch high and 3/4 of an inch wide and readable.

**History:** 2000, Act 92, Eff. Nov. 8, 2000.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

"Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

"(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

"(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act."

#### **289.6145 Repealed. 2002, Act 487, Imd. Eff. June 27, 2002.**

**Compiler's note:** The repealed section pertained to frozen dessert standards.

#### **289.6147 Disaster; cessation of operations; report; emergency plans as temporary alternative procedures.**

Sec. 6147. If a food establishment is affected by fire, flooding, accidents, explosions, or other disaster that may create an imminent or substantial hazard and unless otherwise directed, all food operations shall cease and the licensee shall immediately report to the director the disaster and the effect of the disaster on the operation of the establishment. The department may recognize emergency plans that, if being followed, serve as a means to use temporary alternative procedures for continuity of operation.

**History:** 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2007, Act 114, Eff. Apr. 1, 2008.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

"Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

"(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911,

12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

#### **289.6149 Definitions; satisfaction of section 3-603.11 of food code; statement; disclosures and reminders; text; exemptions.**

Sec. 6149. (1) As used in this section:

(a) "Publicly available" means accessible to consumers, without their having to request it, before their placing food orders or making their selections.

(b) "Selection information" means whatever consumers read to make their order selections, such as menu, table tent, placard, chalkboard, or other written means.

(2) To satisfy section 3-603.11 of the food code, the food establishment may provide the following statement on selection information so that it is publicly available: "Ask your server about menu items that are cooked to order or served raw. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness."

(3) A statement used under subsection (2) may be tailored to be product specific if a food establishment either has a limited menu or offers only specific animal-derived foods in raw or undercooked, ready-to-eat form.

(4) The language for the menu items shall match the language used for the disclosure and the reminder. The disclosure and reminder may also be in additional languages.

(5) The text for disclosures and reminders shall meet the following requirements:

(a) The text size for statements on handheld menus or table tents shall be visually equivalent to at least 11-point font size or may be visually equivalent to the font size of menu item descriptions.

(b) Text color provides a clear contrast to background.

(6) Table tents, placards, or chalkboards that are used exclusively to list food items that are offered as daily, weekly, or temporary specials are exempt from the requirements of this section when those food items also appear in the primary selection information that contains the disclosures and reminders meeting the requirements of this section.

**History:** 2000, Act 92, Eff. Nov. 8, 2000;—Am. 2002, Act 487, Imd. Eff. June 27, 2002;—Am. 2007, Act 114, Eff. Apr. 1, 2008.

**Compiler's note:** Sec. 1117 of Act 92 of 2000 provides:

“Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.

“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.

“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

#### **289.6150 Definitions; presence or lack of artificial trans fat; statement; language.**

Sec. 6150. (1) As used in this section:

(a) "Artificial trans fat" means an unsaturated fat or fatty acid that is produced by the partial hydrogenation of plant oils and that contains 1 or more instances of atoms bonded in a trans configuration.

(b) "Publicly available" means accessible to consumers, without their having to request it, before placing their food orders or making their selections.

(c) "Selection information" means whatever consumers read to make their order selections, such as a menu, table tent, placard, chalkboard, or other written means.

(2) A food service establishment may, but is not required to, provide on the selection information, so that it is publicly available, a statement regarding the presence or lack of artificial trans fat in any food served by the food service establishment.

(3) A statement described in subsection (2) may be tailored to be product-specific if a food service establishment has a limited menu.

(4) The text for a statement described in subsection (2) may be in more than 1 language and may meet the requirements of section 6149.

**History:** Add. 2007, Act 114, Eff. Apr. 1, 2008.

#### **289.6151 Repealed. 2007, Act 113, Eff. Apr. 1, 2008.**

**Compiler's note:** The repealed section pertained to implementation of alternative practices and procedures, training programs relating to bare-hand contact, monitoring of employees, and requirements for documentation.

#### **289.6152 Food allergy awareness; display of poster; rules; private cause of action.**

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Sec. 6152. (1) Until December 31, 2020, each food service establishment in this state shall prominently display in the staff area a poster developed and approved by the department relative to food allergy awareness that includes, but is not limited to, information regarding the risk of an allergic reaction, or post the information from the poster in a different, readable notice in the staff area.

(2) The department may promulgate rules to carry out this section.

(3) This section does not establish or change any private cause of action. This section does not change any duty under any other statute or the common law, except as this section expressly provides.

**History:** Add. 2014, Act 516, Imd. Eff. Jan. 14, 2015.