

**SUBSTITUTE FOR  
SENATE BILL NO. 774**

A bill to amend 2000 PA 92, entitled  
"Food law,"  
by amending sections 1107, 1111, 2129, 3113, 3115, 3119, 4105, and  
4111 (MCL 289.1107, 289.1111, 289.2129, 289.3113, 289.3115,  
289.3119, 289.4105, and 289.4111), sections 1107, 1111, and 4105 as  
amended by 2012 PA 178, sections 2129 and 3115 as amended by 2015  
PA 142, section 3119 as amended by 2008 PA 375, and section 4111 as  
amended by 2015 PA 61.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1107. As used in this act:

2           (a) "Department" means the department of agriculture and rural  
3 development.

4           (b) "Director" means the director of the department or his or  
5 her designee.

1 (c) "Domestic residence" means a single-family dwelling or an  
2 area within a rental unit where a single person or family actually  
3 resides. Domestic residence does not include either of the  
4 following:

5 (i) A group or communal residential setting within any type of  
6 structure.

7 (ii) An outbuilding, shed, barn, or other similar structure.

8 (d) "Egg" does not include a balut, which is an embryo inside  
9 a fertile egg that has been incubated for a period sufficient for  
10 the embryo to reach a specific stage of development after which it  
11 is removed from incubation before hatching.

12 (e) "Evaluation" means a food safety audit, inspection, or  
13 food safety and sanitation assessment, whether announced or  
14 unannounced, that identifies violations or verifies compliance with  
15 this act and determines the degree of active control by food  
16 establishment operators over foodborne illness risk factors.

17 (f) "Extended retail food establishment" means a retail  
18 grocery that does both of the following:

19 (i) Serves or provides an unpackaged food for immediate  
20 consumption.

21 (ii) Provides customer seating in the food service area.

22 (g) "Fair" means a fair or exhibition operated and managed  
23 under 1929 PA 11, MCL 46.151 to 46.153, or held by an agricultural  
24 or horticultural society under 1855 PA 80, MCL 453.231 to 453.240.

25 (h) "Fair concession" means a food concession, storage,  
26 preparation, or dispensing operation at a state or county fair.

27 (i) "Farmers' market" means a public and recurring assembly of

1 farmers or their representatives selling directly to consumers food  
2 and products that the farmers have produced themselves. In  
3 addition, the market may include a variety of other vendors as  
4 determined by market management.

5 (j) "Federal act" means the federal food, drug, and cosmetic  
6 act, chapter 675, 52 Stat. 1040, 21 USC 301 to 399d, **AS IN EFFECT**  
7 **ON OCTOBER 1, 2012.**

8 (k) "Festival" means an event, staged by a local community or  
9 local organization, that centers on and celebrates a certain aspect  
10 of that community or organization. Festival includes, but is not  
11 limited to, a fair, art show, chili cook-off, car show, hot air  
12 balloon festival, religious festival, drama festival, or cultural  
13 festival.

14 (l) "First receiver" means a person who receives eggs from a  
15 producer at any place of business and candles, grades, sorts,  
16 packs, or packages the eggs.

17 (m) "Food" means articles used for food or drink for humans or  
18 other animals, chewing gum, and articles used for components of any  
19 such article.

20 (n) "Food additive" means any substance, the intended use of  
21 which, directly or indirectly, results in or may be reasonably  
22 expected to result in its becoming a component or otherwise  
23 affecting the characteristics of any food if that substance is not  
24 generally recognized among experts as having been adequately shown  
25 through scientific procedures to be safe under the conditions of  
26 its intended use. Food additive includes any substance intended for  
27 use in producing, manufacturing, packing, processing, preparing,

1 treating, packaging, transporting, or holding food and includes any  
2 source of radiation intended for any use. Food additive does not  
3 include any of the following:

4 (i) A pesticide chemical in or on a raw agricultural  
5 commodity.

6 (ii) A pesticide chemical to the extent that it is intended  
7 for use or is used in the production, storage, or transportation of  
8 any raw agricultural commodity.

9 (iii) A color additive.

10 (iv) Any substance used in accordance with a sanction or  
11 approval granted before the enactment of the food additives  
12 amendment of 1958, Public Law 85-929, pursuant to the federal act,  
13 the poultry products inspection act, 21 USC 451 to 472, or the  
14 federal meat inspection act, 21 USC 601 to 683.

15 (o) "Food code" means ~~food code, 2009 recommendations of the~~  
16 ~~food and drug administration of the United States public health~~  
17 ~~service that~~ **"FOOD CODE, 2009 RECOMMENDATIONS OF THE UNITED STATES**  
18 **PUBLIC HEALTH SERVICE FOOD AND DRUG ADMINISTRATION", WHICH**  
19 regulates the design, construction, management, and operation of  
20 certain food establishments.

21 (p) "Food establishment" means an operation where food is  
22 processed, packed, canned, preserved, frozen, fabricated, stored,  
23 prepared, served, **VENDED**, sold, or offered for sale. Food  
24 establishment includes, but is not limited to, a food processor, a  
25 food warehouse, a food service establishment, **A VENDING MACHINE**  
26 **LOCATION**, and a retail grocery. Food establishment does not include  
27 any of the following:

1 (i) A charitable, religious, fraternal, or other nonprofit  
2 organization operating a home-prepared baked goods sale or serving  
3 only home-prepared food in connection with its meetings or as part  
4 of a fund-raising event.

5 (ii) An inpatient food operation located in a health facility  
6 or agency subject to licensure under article 17 of the public  
7 health code, MCL 333.20101 to 333.22260.

8 (iii) A food operation located in a prison, jail, state mental  
9 health institute, boarding house, fraternity or sorority house,  
10 convent, or other facility where the facility is the primary  
11 residence for the occupants and the food operation is limited to  
12 serving meals to the occupants as part of their living arrangement.

13 (q) "Food processor" means a food establishment that  
14 processes, manufactures, wholesales, packages, labels, or stores  
15 food. Food processor does not include a maple syrup producer.  
16 Processing is an act, such as canning, freezing, dehydrating,  
17 drying, distilling, extracting, preserving, grinding, crushing,  
18 milling, washing, trimming, packing, or otherwise preserving or  
19 changing the form of a food.

20 (r) "Food safety and sanitation assessment" means judging or  
21 assessing specific food handling activities, events, conditions, or  
22 management systems ~~in an effort~~ to determine their potential  
23 effectiveness in controlling risks for foodborne illness and  
24 ~~required~~ **THEIR** compliance with this act, accompanied by a report of  
25 findings.

26 (s) "Food safety audit" means the methodical examination and  
27 review of records, food sources, food handling procedures, and

1 facility cleaning and sanitation practices for compliance with this  
2 act, accompanied by a report of findings. Food safety audit  
3 includes checking or testing, or both, of observable practices and  
4 procedures to determine compliance with standards contained in or  
5 adopted by this act, accompanied by a report of findings.

6 (t) "Food service establishment" means a fixed or mobile  
7 restaurant, coffee shop, cafeteria, short order cafe, luncheonette,  
8 grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail  
9 lounge, nightclub, drive-in, industrial feeding establishment,  
10 private organization serving the public, rental hall, catering  
11 kitchen, delicatessen, theater, commissary, food concession, or  
12 similar place in which food or drink is prepared for direct  
13 consumption through service on the premises or elsewhere, and any  
14 other eating or drinking establishment or operation where food is  
15 served or provided for the public. Food service establishment does  
16 not include any of the following:

17 (i) A motel that serves continental breakfasts only.

18 (ii) A bed and breakfast that has 10 or fewer sleeping rooms  
19 for rent.

20 (iii) A bed and breakfast that has more than 10 sleeping rooms  
21 for rent, if the bed and breakfast serves continental breakfasts  
22 only.

23 (iv) A child care organization regulated under 1973 PA 116,  
24 MCL 722.111 to 722.128, unless the establishment is carrying out an  
25 operation considered by the director to be a food service  
26 establishment.

27 (v) **A VENDING MACHINE LOCATION. HOWEVER, IF A FOOD SERVICE**

1 ESTABLISHMENT OPERATES A VENDING MACHINE LOCATION ON THE SAME  
2 PREMISES, THE VENDING MACHINE LOCATION IS CONSIDERED PART OF THE  
3 FOOD SERVICE ESTABLISHMENT.

4 (u) "Food warehouse" means a food establishment that stores or  
5 distributes food for wholesale.

6 Sec. 1111. As used in this act:

7 (a) "Raw agricultural commodity" means any food in its raw or  
8 natural state including fruits that are washed, colored, or  
9 otherwise treated in their unpeeled natural form before marketing.

10 (b) "Regulatory authority" means the department, the local  
11 health department, or the authorized representative having  
12 jurisdiction over the food establishment.

13 (c) "Retail food establishment" means an operation that sells  
14 or offers to sell food directly to a consumer. Retail food  
15 establishment includes both a retail grocery and a food service  
16 establishment, but does not include a food processor.

17 (d) "Retail grocery" means an operation that sells or offers  
18 to sell food to consumers for off-premises consumption. Food for  
19 off-premises consumption does not include take-out food intended  
20 for immediate consumption.

21 (e) "Rules" means administrative rules promulgated under this  
22 act pursuant to the administrative procedures act of 1969, 1969 PA  
23 306, MCL 24.201 to 24.328.

24 (f) "Shellfish dealer" means an interstate wholesaler handling  
25 shellfish.

26 (g) "Shellfish dealer certification" means the issuance of a  
27 numbered certificate to a person indicating that the person is in

1 compliance with the requirements of the guide for the control of  
2 molluscan shellfish and that the person has permission from the  
3 department to conduct 1 or more of the following shellfish  
4 activities, as defined in the guide for the control of molluscan  
5 shellfish:

6 (i) Shellstock shipper.

7 (ii) Shucker packer.

8 (iii) Repacker or reshipper.

9 (h) "Smoked fish rules" means R 285.569.1 to 285.569.19 of the  
10 Michigan ~~administrative code~~. **ADMINISTRATIVE CODE.**

11 (i) "Special transitory food unit" means a temporary food  
12 establishment that is licensed to operate throughout the state  
13 without the 14-day limits or a mobile food establishment that is  
14 not required to return to a commissary.

15 (j) "Staple foods" does not include accessory foods such as  
16 coffee, tea, cocoa, soda, noncarbonated drinks such as sports  
17 drinks, punches, and flavored waters, candy, condiments, spices,  
18 hot foods, or foods ready to go or made to take out, such as  
19 prepared sandwiches or salads.

20 (k) "Sulfiting agents" means any of the following:

21 (i) Sulfur dioxide.

22 (ii) Sodium sulfite.

23 (iii) Sodium bisulfite.

24 (iv) Potassium bisulfite.

25 (v) Sodium metabisulfite.

26 (vi) Potassium metabisulfite.

27 (l) "Temporary food establishment" means a food establishment



1 ~~which~~ **THAT** operates at a fixed location for a temporary period not  
2 to exceed 14 consecutive days.

3 (m) "Temporary license" means a written authorization issued  
4 by the director to operate for a specified limited time period.

5 (n) "Transient tenant" means a person who rents a room in a  
6 bed and breakfast for fewer than 30 consecutive days.

7 (o) "Trimming" ~~is an act of~~ **MEANS** removing leaves, roots, and  
8 other extraneous materials in preparation for grading, sorting, and  
9 sale as a whole fruit or vegetable. Trimming does not remove the  
10 peel or core and does not further cut the whole fruit or vegetable.

11 (p) "U.S. standards for shell eggs" means "United States  
12 ~~standards, grades, and weight classes for shell eggs,~~ **STANDARDS,**  
13 **GRADES, AND WEIGHT CLASSES FOR SHELL EGGS**", AMS 56 (July 20, 2000),  
14 United States ~~department of agriculture.~~ **DEPARTMENT OF AGRICULTURE.**

15 (Q) **"VENDING COMPANY BASE LOCATION" MEANS A VENDING MACHINE**  
16 **LOCATION OR OTHER FOOD ESTABLISHMENT REQUIRED TO BE SEPARATELY**  
17 **LICENSED UNDER SECTION 4105(5).**

18 (R) ~~(q)~~ "Vending machine" means a self-service device ~~offered~~  
19 ~~for public use that, upon activation by~~ **INSERTION OF** a coin, **PAPER**  
20 **CURRENCY**, token, card, **OR** key, ~~or paper currency,~~ **OR BY MANUAL**  
21 **OPERATION**, dispenses unit servings of food ~~or beverages~~ **IN BULK OR**  
22 **IN PACKAGES** without the necessity of replenishing the device  
23 between each vending operation. Vending machine does not include  
24 any of the following:

25 (i) A device that dispenses only bottled or canned soft  
26 drinks; other packaged nonperishable foods or beverages; or bulk  
27 ball gum, nuts, and panned candies.

1 (ii) A water-dispensing machine that is registered under  
2 chapter IV.

3 (S) ~~(r)~~—"Vending machine location" means the room, enclosure,  
4 space, or area in which 1 or more vending machines are installed  
5 and operated.

6 (T) ~~(s)~~—"Wholesale" means selling other than directly to  
7 consumers.

8 (U) ~~(t)~~—"Wild game" means animals from their natural state and  
9 not cultivated, domesticated, or tamed.

10 Sec. 2129. (1) Subject to subsection (2), all of the following  
11 food establishments shall employ a minimum of 1 managerial employee  
12 as a food safety manager, who must be an individual who is  
13 currently certified under a personnel certification program  
14 accredited by the American National Standards Institute, utilizing  
15 the ~~conference for food protection~~ **CONFERENCE FOR FOOD PROTECTION**  
16 standards:

17 (a) A food service establishment unless

18 ~~1 or both of the following apply to the food establishment:~~

19 ~~—— (i) It is a licensed temporary food service establishment.~~

20 ~~—— (ii) It is a vending machine.~~

21 (b) An extended retail food establishment.

22 (c) A food service establishment operated within a retail  
23 grocery.

24 (2) Beginning January 14, 2017 and every 5 years thereafter, a  
25 certified food safety manager who supervises the operations of a  
26 food service establishment shall have completed a food safety  
27 training program containing an allergen awareness component that

1 has been approved by the department. The allergen awareness  
2 component may be an online program or a video. However, a certified  
3 food safety manager at a food service establishment with more than  
4 20 locations within this state may satisfy this requirement by  
5 completing any nationally recognized food safety training program  
6 containing an allergen awareness component. A food service  
7 establishment shall retain records on the site of the food service  
8 establishment documenting compliance of its certified food safety  
9 managers with this subsection. The department shall enforce this  
10 subsection in the same manner that it enforces other provisions  
11 related to certified food safety managers. This subsection applies  
12 until December 31, 2020.

13 (3) An individual certified ~~under~~ **AS PROVIDED IN** subsection  
14 (1) shall be recognized with full faith and credit by this state  
15 and all local units of government throughout this state.

16 (4) The department may promulgate rules to do all of the  
17 following:

18 (a) Develop requirements for retail food establishments to  
19 follow when employing certified food safety managers or personnel.

20 (b) Set a reasonable date for compliance with the requirements  
21 under subdivision (a) taking into consideration existing local  
22 personnel certification requirements.

23 (c) Establish certification fees necessary to implement,  
24 maintain, and track certified individuals directly or by contract.  
25 The department may annually adjust the schedule of fees to provide  
26 that the fee charged is sufficient to cover the cost of the  
27 certification tracking program.

1 (d) Implement and enforce the requirements developed under  
2 subdivision (a).

3 (5) The certification program developed by the American  
4 National Standards Institute, as it exists on April 1, 2008, is  
5 incorporated by reference. The department may adopt updates to the  
6 certification program accreditation standards in subsection (1) by  
7 rule.

8 (6) This section does not prohibit a local legislative body  
9 from implementing a food handler program, an employee health  
10 certification program, or a manager certification program, if it is  
11 not in conflict with this section.

12 Sec. 3113. A county, city, village, or township shall not  
13 regulate those aspects of food service establishments ~~or vending~~  
14 ~~machines which~~ **THAT** are subject to regulation under this act except  
15 to the extent necessary to carry out the responsibility of a local  
16 health department to implement licensing provisions of chapter IV.  
17 This chapter does not relieve the applicant for a license or a  
18 licensee from responsibility for securing a local permit or  
19 complying with applicable local codes, regulations, or ordinances  
20 not in conflict with this act.

21 Sec. 3115. (1) A local health department shall promptly review  
22 a license application for a food service establishment ~~, including,~~  
23 ~~but not limited to, a vending machine location,~~ to determine if the  
24 application is complete and accurate. A local health department may  
25 return an incomplete or inaccurate application to a license  
26 applicant and request any additional information it considers  
27 necessary to ~~assure~~ **ENSURE** completeness or accuracy of the

1 application.

2 (2) Subject to subsection (3), after a local health department  
3 determines that an application under subsection (1) is proper,  
4 complete, and accurate, it shall inspect the proposed or existing  
5 food service establishment ~~, including, but not limited to, a~~  
6 ~~vending machine location,~~ to determine compliance with this act.

7 (3) If a temporary food establishment will serve only low-risk  
8 food, instead of conducting an inspection under subsection (2), a  
9 local health department, based on a public health risk assessment,  
10 may conduct an in-office consultation, including food safety  
11 education, and operational review of the proposed temporary food  
12 establishment with the license applicant. The person in charge of  
13 the temporary food establishment must be present during the in-  
14 office consultation. A local health department that conducts an in-  
15 office consultation under this subsection may also conduct an  
16 inspection under subsection (2).

17 (4) A local health department shall conduct an inspection  
18 under subsection (2) or an in-office consultation under subsection  
19 (3), as applicable, before it makes its recommendation to the  
20 department on the issuance of a license.

21 (5) A local health department shall forward to the department  
22 its recommendation for license approval or approval with  
23 limitation.

24 Sec. 3119. (1) Except as otherwise provided for in subsection  
25 (2), upon submission of an application, an applicant for a food  
26 service establishment license shall pay to the local health  
27 department having jurisdiction the required fees authorized by

1 section 2444 of the public health code, MCL 333.2444, and an  
2 additional state license fee as follows:

3	<del>----- (a) Vending machine location fee -----</del>	<del>----- \$ 3.00-----</del>
4	(A) <del>(b)</del> Temporary food service establishment..	\$ 3.00.
5	(B) <del>(c)</del> Food service establishment.....	\$ 22.00.
6	(C) <del>(d)</del> Mobile food establishment commissary..	\$ 22.00.
7	(D) <del>(e)</del> Special transitory food unit.....	\$ 35.00.

8 (2) When licensing a special transitory food unit, a local  
9 health department shall impose a fee of \$135.00, which includes the  
10 additional state license fee imposed under subsection (1) unless  
11 exempted under subsection (4) or (5).

12 (3) The state license fee required under subsection (1) shall  
13 be collected by the local health department at the time the license  
14 application is submitted. The state license fee is due and payable  
15 by the local health department to the state within 60 days after  
16 the fee is collected.

17 (4) A charitable, religious, fraternal, service, civic, or  
18 other nonprofit organization that has tax-exempt status under  
19 section 501(c)(3) of the internal revenue code, 26 USC 501, is  
20 exempt from paying additional state license fees imposed under this  
21 section. ~~except for the vending machine location license fee.~~ This  
22 subsection does not restrict the ability of the governing board of  
23 a local health department or authority to fix, revoke, or amend  
24 fees as further authorized and described under section 2444 of the  
25 public health code, MCL 333.2444. An organization seeking an  
26 exemption under this subsection shall furnish to the department or

1 a local health department evidence of its tax-exempt status.

2 (5) A veteran who has a waiver of a license fee under the  
3 circumstances described in 1921 PA 359, MCL 35.441 to 35.443, is  
4 exempt from paying the fees prescribed in this section.

5 (6) The department shall adjust on an annual basis the fees  
6 prescribed by subsections (1) and (2) by an amount determined by  
7 the state treasurer to reflect the cumulative annual percentage  
8 change in the Detroit consumer price index but not to exceed 5%. As  
9 used in this subsection, "Detroit consumer price index" means the  
10 most comprehensive index of consumer prices available for the  
11 Detroit area from the ~~bureau of labor statistics~~ **BUREAU OF LABOR**  
12 **STATISTICS** of the United States ~~department of labor~~ **DEPARTMENT OF**  
13 **LABOR** or its successor. The adjustment shall be rounded to the  
14 nearest dollar to set each year's fee under this subsection, but  
15 the absolute value shall be carried over and used to calculate the  
16 next annual adjustment.

17 (7) The local health department shall forward the license  
18 applications to the department with appropriate recommendations.

19 Sec. 4105. (1) ~~Except as otherwise provided for in subsection~~  
20 ~~(2), a~~ **A** person, establishment, or organization that is 1 or more  
21 of the following is exempt from the licensure requirements under  
22 this act:

23 (a) Subject to subsection (2), an establishment licensed under  
24 1 of the following acts while conducting activities within the  
25 scope of that act:

26 (i) Grain dealers act, 1939 PA 141, MCL 285.61 to  
27 ~~285.88~~ **285.89**.

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

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

3 (iv) Grade A milk law of 2001, 2001 PA 266, MCL 288.471 to  
4 288.540.

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

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

9 (c) Consumers or nonprofit cooperatives of consumers in  
10 compliance with the nonprofit corporation act, 1982 PA 162, MCL  
11 450.2101 to 450.3192, providing products from regulated sources  
12 only for their own use.

13 (d) Nonprofit cooperatives in compliance with the nonprofit  
14 corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, ~~who~~**THAT**  
15 are growers selling unprocessed products of their own production or  
16 are producers selling unprocessed products of their own production  
17 from regulated sources.

18 (e) Retail outlets for the sale of prepackaged honey or maple  
19 syrup produced in ~~Michigan~~**THIS STATE** if the outlet is operated by  
20 the producer and the processing facility is licensed under this  
21 act. Both retail outlets and processing facilities are exempt from  
22 licensure under this act for producers with gross sales of  
23 \$15,001.00 or less of honey or maple syrup. In such case, the honey  
24 and maple syrup shall have labeling substantially similar to that  
25 for cottage food products as described in section 4102(3).

26 (f) A temporary food establishment with no food preparation  
27 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  
6 sale 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 or operating a device that dispenses only  
24 bottled or canned soft drinks; other packaged nonperishable foods  
25 or beverages; or bulk gum, nuts, and panned candies.

26 (l) Feeding operations set up in response to an emergency or  
27 disaster.

1 (m) A person operating as a food warehouse or food processor,  
2 if the food warehouse or food processor contains or handles only  
3 uncut fruits or vegetables, or both, and meets all of the following  
4 criteria:

5 (i) The establishment is owned and operated by the person  
6 producing the fruits or vegetables, or both.

7 (ii) Activities at the establishment are limited to storing,  
8 grading, sorting, packing, washing, trimming, and refrigerating.

9 (iii) The fruits or vegetables, or both, are primarily from  
10 the person's own production, and the balance are products of the  
11 same genus or genera from other agricultural producers.

12 (iv) The food is not "potentially hazardous food  
13 (time/temperature control for safety food)" as defined in the food  
14 code.

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

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

27 (4) If prepackaged food is transported from a food

1 establishment licensed under this chapter ~~to~~ to a sales location at  
 2 a farmers' market, fair, or festival, the sales location is not  
 3 required to be separately licensed and is considered an extension  
 4 of the food establishment ~~if~~ if the food is transported and sold by  
 5 employees of the food establishment.

6 (5) IF PREPACKAGED FOOD IS TRANSPORTED FROM A FOOD  
 7 ESTABLISHMENT LICENSED UNDER THIS CHAPTER TO 1 OR MORE VENDING  
 8 MACHINE LOCATIONS BY EMPLOYEES OF THE FOOD ESTABLISHMENT AND THE  
 9 VENDING MACHINE OR MACHINES ARE MAINTAINED BY EMPLOYEES OF THE FOOD  
 10 ESTABLISHMENT, THE VENDING MACHINE LOCATIONS ARE NOT REQUIRED TO BE  
 11 SEPARATELY LICENSED AND ARE CONSIDERED TO BE AN EXTENSION OF THE  
 12 FOOD ESTABLISHMENT, WHICH SHALL BE SEPARATELY LICENSED. HOWEVER, IF  
 13 THE FOOD ESTABLISHMENT FROM WHICH THE PREPACKAGED FOOD IS  
 14 TRANSPORTED IS LOCATED IN ANOTHER STATE, BOTH OF THE FOLLOWING  
 15 APPLY:

16 (A) ONE OF THE VENDING MACHINE LOCATIONS IN THIS STATE SHALL  
 17 BE SEPARATELY LICENSED AS A FOOD ESTABLISHMENT.

18 (B) THE REMAINING VENDING MACHINE LOCATIONS IN THIS STATE ARE  
 19 NOT REQUIRED TO BE SEPARATELY LICENSED AND ARE CONSIDERED TO BE AN  
 20 EXTENSION OF THE FOOD ESTABLISHMENT UNDER SUBDIVISION (A).

21 Sec. 4111. (1) The department shall impose the following  
 22 license fees for each year or portion of a year:

23 (a) Retail grocery: \$106.00 for 2016, \$145.00 for 2017, and  
 24 \$183.00 for any subsequent year.

25 (b) Extended retail food establishment: \$271.00 for 2016,  
 26 \$370.00 for 2017, and \$468.00 for any subsequent year.

27 (c) Food processor: \$271.00 for 2016, \$370.00 for 2017, and

1 \$468.00 for any subsequent year.

2 (d) Limited food processor: \$106.00 for 2016, \$145.00 for  
3 2017, and \$183.00 for any subsequent year.

4 (e) Mobile food establishment: \$183.00 for 2016, \$186.00 for  
5 2017, and \$189.00 for any subsequent year.

6 (f) Temporary food establishment: \$40.00 for 2016, \$55.00 for  
7 2017, and \$70.00 for any subsequent year.

8 (g) Special transitory food unit: \$150.00 for 2016, \$153.00  
9 for 2017, and \$156.00 for any subsequent year.

10 (h) Mobile food establishment commissary: \$183.00 for 2016,  
11 \$186.00 for 2017, and \$189.00 for any subsequent year.

12 (i) Food warehouse **OR VENDING COMPANY BASE LOCATION**: \$106.00  
13 for 2016, \$145.00 for 2017, and \$183.00 for any subsequent year. **IN**  
14 **ADDITION, THE OPERATOR OF THE VENDING COMPANY BASE LOCATION SHALL**  
15 **PAY AN ADDITIONAL FEE BASED ON THE NUMBER OF VENDING MACHINE**  
16 **LOCATIONS IN THIS STATE, AS FOLLOWS:**

17 (i) FOR 1 TO 10 LOCATIONS, \$575.00.

18 (ii) FOR 11 TO 50 LOCATIONS, \$2,000.00.

19 (iii) FOR MORE THAN 50 LOCATIONS, \$3,000.00.

20 **IF A PERSON OPERATES MORE THAN 1 VENDING COMPANY BASE LOCATION IN**  
21 **THIS STATE, ALL VENDING MACHINE LOCATIONS SERVED BY THOSE VENDING**  
22 **COMPANY BASE LOCATIONS SHALL BE AGGREGATED ON 1 OF THE VENDING**  
23 **COMPANY BASE LOCATION LICENSES FOR THE PURPOSE OF DETERMINING THE**  
24 **AMOUNT OF THE ADDITIONAL FEE FOR VENDING MACHINE LOCATIONS.**

25 (j) Food service establishment: the amounts described in  
26 subsection (2).

27 (2) If a local health department no longer conducts a food

1 service program, the department, in consultation with the  
2 commission of agriculture and rural development, shall set the food  
3 sanitation fees to be imposed for the conduct of the food service  
4 program by the department. The fees imposed must equal, as nearly  
5 as possible, 1/2 of the department's cost of providing the service.  
6 The department may impose the service fees for up to 12 months  
7 after the date of cessation by the local health department. After  
8 the 12-month period, the department shall collect the fees only as  
9 authorized pursuant to an appropriation.

10 (3) Any license fee paid on an initial application is  
11 nonrefundable.

12 (4) The department may charge a convenience fee and collect  
13 from the applicant any additional costs associated with the method  
14 of fee payment for the license or permit fees described in this  
15 chapter, not to exceed the costs to the department.

16 Enacting section 1. This amendatory act takes effect 90 days  
17 after the date it is enacted into law.