

Act No. 128
Public Acts of 1998
Approved by the Governor
June 17, 1998
Filed with the Secretary of State
June 18, 1998
EFFECTIVE DATE: June 18, 1998

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Rep. Schauer

ENROLLED HOUSE BILL No. 5071

AN ACT to amend 1968 PA 39, entitled "An act to regulate the manufacture, distribution, and sale of food for protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of foods in violation of this act; to prescribe the powers and duties of certain state departments and persons; to provide for enforcement of the act; to provide penalties and remedies for violation of the act; and to repeal certain acts and parts of acts," by amending sections 7 and 10 (MCL 289.707 and 289.710), as amended by 1982 PA 43.

The People of the State of Michigan enact:

Sec. 7. A person shall not do or cause to be done any of the following:

- (a) Manufacture, sell, deliver, hold, or offer for sale adulterated or misbranded food.
- (b) Adulterate or misbrand food.
- (c) Receive in commerce food that is adulterated or misbranded, and deliver or proffer the delivery of that food for pay or otherwise.
- (d) Sell, deliver for sale, hold for sale, or offer for sale food in violation of section 18.
- (e) Disseminate a false advertisement.
- (f) Refuse to permit entry or inspection, or to permit the taking of a sample, as authorized by section 24.
- (g) Give a false guaranty or undertaking, except by a person who relied on a guaranty or undertaking to the same effect, signed by and containing the name and address of the person from whom he or she received the food in good faith.
- (h) Remove or dispose of detained or embargoed food in violation of section 11 or 12.
- (i) Alter, mutilate, destroy, obliterate, or remove all or part of the label, or do any other act with respect to a food, while the food is held for sale resulting in the food being adulterated or misbranded.
- (j) Forge, counterfeit, simulate, or falsely represent, or without proper authority use any mark, stamp, tag, label, or other identification device authorized or required by rules promulgated under this act.
- (k) Permit filthy or unsanitary conditions to exist in a food establishment in which food, intended for human consumption, is manufactured, received, kept, stored, sold, or offered for sale.
- (l) Falsely identify a country, state, or other place of origin of food on a label, tag, or other document with intent to deceive or defraud.

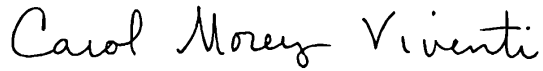
Sec. 10. (1) Except as provided in subsection (2), a person who violates this act or a rule promulgated under this act is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or by a fine of not less than \$100.00 or more than \$1,000.00, or both. A person is not subject to the penalties prescribed under this section for having violated section 7(a) or (c) if he or she establishes a guaranty or undertaking signed by and containing the name and address of the person from whom he or she received in good faith the food, to the effect that the food is not adulterated or misbranded within the meaning of this act. If a violation of section 7(k) occurs that is not suspected of threatening the safety of food intended for human consumption, the department shall provide a person owning or operating the food establishment a written report of the violation before subjecting persons to the penalties provided in this act.

(2) A person who violates section (7)(l) is guilty of a felony punishable by imprisonment for not more than 4 years or by a fine of not more than \$2,000.00, or both.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.