

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5928**

A bill to amend 2000 PA 92, entitled
"Food law of 2000,"
by amending sections 1109, 1119, 3119, 4111, 4117, 6101, 6149,
and 7101 (MCL 289.1109, 289.1119, 289.3119, 289.4111, 289.4117,
289.6101, 289.6149, and 289.7101); and to repeal acts and parts
of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1109. As used in this act:

2 (a) "Imminent or substantial hazard" means a condition at a
3 food establishment that the director determines requires immedi-
4 ate action to prevent endangering the health of people.

5 (b) "Label" means a display of written, printed, or graphic
6 matter upon the immediate container of any article and includes a
7 requirement imposed under this act that any word, statement, or
8 other information appearing on the display also appear on the

HB 5928, As Passed Senate, June 5, 2002

House Bill No. 5928

2

1 outside container or wrapper of the retail package of the article
2 or be easily legible through the outside container or wrapper.

3 (c) "Labeling" means all labels and other written, printed,
4 or graphic matter upon an article, any of its containers or wrap-
5 pers, or accompanying the article.

6 (d) "License limitation" means an action by which the direc-
7 tor imposes restrictions or conditions, or both, on a license of
8 a food establishment.

9 (e) "License holder" means the entity that is legally
10 responsible for the operation of the food establishment including
11 the owner, the owner's agent, or other person operating under
12 apparent authority of the owner possessing a valid license to
13 operate a food establishment.

14 (f) "Limited wholesale food processor" means a wholesale
15 food processor that has \$25,000.00 or less in annual gross whole-
16 sale sales made or business done in wholesale sales in the pre-
17 ceding licensing year, or \$25,000.00 or less of the food is rea-
18 sonably anticipated to be sold for the current licensing year.
19 Only the food sales from the wholesale food processor operation
20 are used in computing the annual gross sales under this
21 subdivision.

22 (G) "LOCAL HEALTH DEPARTMENT" MEANS THAT TERM AS DEFINED IN
23 SECTION 1105 OF THE PUBLIC HEALTH CODE, MCL 333.1105, AND HAVING
24 THOSE POWERS AND DUTIES AS DESCRIBED IN PART 24 OF THE PUBLIC
25 HEALTH CODE, MCL 333.2401 TO 333.2498.

26 (H) ~~(g)~~ "Misbranded" means food to which any of the
27 following apply:

HB 5928, As Passed Senate, June 5, 2002

House Bill No. 5928

3

1 (i) Its labeling is false or misleading in any particular.

2 (ii) It is offered for sale under the name of another food.

3 (iii) It is an imitation of another food unless its label
4 bears, in type of uniform size and prominence, the word
5 "imitation" and immediately thereafter the name of the food
6 imitated.

7 (iv) Its container is so made, formed, or filled as to be
8 misleading.

9 (v) It is in package form, unless it bears a label contain-
10 ing both the name and place of business of the manufacturer,
11 packer, or distributor and an accurate statement of the quantity
12 of the contents in terms of weight, measure, or numerical count
13 subject to reasonable variations as are permitted and exemptions
14 as to small packages as are established by rules prescribed by
15 the department.

16 (vi) Any word, statement, or other labeling required by this
17 act is not prominently placed on the label or labeling conspicu-
18 ously and in such terms as to render it likely to be read and
19 understood by the ordinary individual under customary conditions
20 of purchase and use.

21 (vii) It purports to be or is represented as a food for
22 which a definition and standard of identity have been prescribed
23 by rules as provided by this act or under the federal act, unless
24 it conforms to such definition and standard and its label bears
25 the name of the food specified in the definition and standard,
26 and, insofar as may be required by the rules, the common names of

HB 5928, As Passed Senate, June 5, 2002

House Bill No. 5928

4

1 optional ingredients, other than spices, flavoring, and coloring,
2 present in such food.

3 (viii) It purports to be or is represented to be either of
4 the following:

5 (A) A food for which a standard of quality has been pre-
6 scribed by this act or rules and its quality falls below such
7 standard unless its label bears, in such manner and form as such
8 rules specify, a statement that it falls below such standard.

9 (B) A food for which a standard or standards of fill of con-
10 tainer have been prescribed by this act or rules and it falls
11 below the standard of fill of container applicable, unless its
12 label bears, in such manner and form as the rules specify, a
13 statement that it falls below the standard.

14 (ix) It does not bear labeling clearly giving the common or
15 usual name of the food, if one exists, and if fabricated from 2
16 or more ingredients, the common or usual name of each ingredient
17 except that spices, flavorings, and colorings, other than those
18 sold as such, may be designated as spices, flavorings, and color-
19 ings, without naming each and under other circumstances as estab-
20 lished by rules regarding exemptions based upon practicality,
21 potential deception, or unfair competition.

22 (x) It bears or contains any artificial flavoring, artifi-
23 cial coloring, or chemical preservative unless the labeling
24 states that fact and under other circumstances as established by
25 rules regarding exemptions based upon practicality.

26 (xi) If a food intended for human consumption and offered
27 for sale, its label and labeling do not bear the nutrition

HB 5928, As Passed Senate, June 5, 2002

House Bill No. 5928

5

1 information required under section 403(q) of the federal act, 21
2 U.S.C. 343.

3 (xii) It is a product intended as an ingredient of another
4 food and, when used according to the directions of the purveyor,
5 will result in the final food product being adulterated or
6 misbranded.

7 (xiii) It is a color additive whose packaging and labeling
8 are not in conformity with packaging and labeling requirements
9 applicable to such color additive prescribed under the provisions
10 of the federal act.

11 (I) ~~(h)~~ "Mobile food establishment" means a food estab-
12 lishment operating from a vehicle or watercraft that returns to a
13 licensed commissary for servicing and maintenance at least once
14 every 24 hours.

15 (J) ~~(i)~~ "Mobile food establishment commissary" means an
16 operation that is capable of servicing a mobile ~~catering~~ food
17 establishment.

18 (K) ~~(j)~~ "Person" means an individual, sole proprietorship,
19 partnership, corporation, association, or other legal entity.

20 (l) ~~(k)~~ "Pesticide chemical" means any substance that,
21 alone, in chemical combination, or in formulation with 1 or more
22 other substances, is a pesticide within the meaning of the fed-
23 eral insecticide, fungicide, and rodenticide act, chapter 125, 86
24 Stat. 973, 7 U.S.C. 136 to 136i, 136j to 136r, and 136s to 136y,
25 and is used in the production, storage, or transportation of raw
26 agricultural commodities.

HB 5928, As Passed Senate, June 5, 2002

House Bill No. 5928

6

1 (M) ~~(l)~~ "Principal display panel" means that part of a
2 label that is most likely to be displayed, presented, shown, or
3 examined under normal and customary conditions of display for
4 retail sale.

5 (N) ~~(m)~~ "Public health code" means 1978 PA 368, MCL
6 333.1101 to 333.25211.

7 Sec. 1119. (1) Except as rescinded, rules promulgated under
8 public acts repealed by this act retain authorization under this
9 act.

10 ~~(2) The following rules are rescinded 6 months after the~~
11 ~~date of enactment of this act:~~

12 ~~(a) R 285.538 of the Michigan administrative code.~~

13 ~~(b) R 285.549 of the Michigan administrative code.~~

14 ~~(c) R 285.554 of the Michigan administrative code.~~

15 ~~(d) R 285.556 of the Michigan administrative code.~~

16 ~~(e) R 285.557 of the Michigan administrative code.~~

17 ~~(f) R 285.558 of the Michigan administrative code.~~

18 ~~(g) R 325.25101 through 325.26008 of the Michigan adminis-~~
19 ~~trative code.~~

20 ~~(3) Beginning 6 months after the date of enactment of this~~
21 ~~act, R 285.553 of the Michigan administrative code does not apply~~
22 ~~to any food establishments under this act except for any farm~~
23 ~~crop storages exempt from the requirements imposed under section~~
24 ~~7101.~~

25 (2) NOTWITHSTANDING R 285.553.1 OF THE MICHIGAN ADMINISTRA-
26 TIVE CODE, THE FOLLOWING TERMS HAVE THE FOLLOWING MEANINGS FOR
27 PURPOSES OF THOSE RULES:

HB 5928, As Passed Senate, June 5, 2002

House Bill No. 5928

7

1 (A) "ACT" MEANS THE FOOD LAW OF 2000, 2000 PA 92,
2 MCL 289.1101 TO 289.8111.

3 (B) "ESTABLISHMENT" MEANS ANY FARM CROP STORAGE WHERE FOOD
4 IS HANDLED, STORED, OR PREPARED AND THAT IS EXEMPT FROM THE
5 REQUIREMENTS OF SECTION 7101.

6 Sec. 3119. (1) Except as otherwise provided for in subsec-
7 tion (2), upon submission of an application, an applicant for a
8 food service establishment license shall pay to the local health
9 department having jurisdiction the required ~~sanitation service~~
10 fees authorized by section 2444 of the public health code, MCL
11 333.2444, and an additional state license fee as follows:

12 (a) Vending machine location fee..... \$ 2.50.

13 (b) Temporary food service establishment..... \$ 2.50.

14 (c) Food service establishment..... \$19.00.

15 ~~(d) Mobile food service establishment..... \$ 2.50.~~

16 (D) ~~(e)~~ Mobile food establishment commissary..... \$19.00.

17 (E) ~~(f)~~ Special transitory food unit..... \$30.00.

18 (2) When licensing a special transitory food unit, a local
19 health department shall impose a fee of \$117.00, WHICH INCLUDES
20 THE ADDITIONAL STATE LICENSE FEE IMPOSED UNDER SUBSECTION (1)
21 UNLESS EXEMPTED UNDER SUBSECTION (4) OR (5).

HB 5928, As Passed Senate, June 5, 2002

House Bill No. 5928

8

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

6 (4) A school or other educational institution is exempt from
7 paying the fees ~~in~~ IMPOSED UNDER section 2444 of the public
8 health code, MCL 333.2444, and ~~this section~~ THE ADDITIONAL
9 STATE LICENSE FEE IMPOSED UNDER SUBSECTIONS (1) AND (2) but is
10 not exempt from the other provisions of this chapter.

11 (5) A charitable, religious, fraternal, service, civic, or
12 other nonprofit organization that has tax-exempt status under
13 section 501(c)(3) of the internal revenue code of 1986 is exempt
14 from paying ADDITIONAL STATE LICENSE fees IMPOSED under this sec-
15 tion except for the vending machine location license fee. An
16 organization seeking an exemption under this subsection shall
17 furnish to the department or a local health department evidence
18 of its tax-exempt status.

19 (6) A VETERAN WHO HAS A WAIVER OF A LICENSE FEE UNDER THE
20 CIRCUMSTANCES DESCRIBED IN 1921 PA 359, MCL 35.441 TO 35.443, IS
21 EXEMPT FROM PAYING THE FEES PRESCRIBED IN THIS SECTION.

22 (7) ~~-(5)-~~ The department shall adjust on an annual basis the
23 fees prescribed by ~~subsection~~ SUBSECTIONS (1) AND (2), AS
24 ADJUSTED AFTER NOVEMBER 8, 2000, by an amount determined by the
25 state treasurer to reflect the cumulative annual percentage
26 change in the Detroit consumer price index but not to exceed 5%.
27 As used in this subsection, "Detroit consumer price index" means

HB 5928, As Passed Senate, June 5, 2002

House Bill No. 5928

9

1 the most comprehensive index of consumer prices available for the
2 Detroit area from the bureau of labor statistics of the United
3 States department of labor or its successor. The adjustment
4 shall be rounded to the nearest dollar to set each year's fee
5 under this subsection, but the absolute value shall be carried
6 over and used to calculate the next annual adjustment.

7 (8) ~~(6)~~ The local health department shall forward the
8 license applications to the department with appropriate
9 recommendations.

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

12 (a) Retail food establishment: \$67.00.

13 (b) Extended retail food establishment: \$172.00.

14 (c) Wholesale food processor: \$172.00.

15 (d) Limited wholesale food processor: \$67.00.

16 (e) Mobile food establishment: \$172.00.

17 ~~(f) Vending: \$25.00.~~

18 (F) ~~(g)~~ Temporary food establishment: \$25.00.

19 (G) ~~(h)~~ Special transitory food unit: \$117.00.

20 (H) ~~(i)~~ Mobile food establishment commissary: \$172.00.

21 (I) ~~(j)~~ Food warehouse: \$67.00.

22 (J) FOOD SERVICE ESTABLISHMENT: THE AMOUNTS DESCRIBED IN
23 SUBSECTION (2).

24 (2) IF A LOCAL HEALTH DEPARTMENT NO LONGER CONDUCTS A FOOD
25 SERVICE SANITATION PROGRAM, THE DEPARTMENT, IN CONSULTATION WITH
26 THE COMMISSION OF AGRICULTURE, SHALL SET THE FOOD SANITATION FEES
27 TO BE IMPOSED FOR THE DEPARTMENT'S SERVICES PERFORMED UNDER

HB 5928, As Passed Senate, June 5, 2002

House Bill No. 5928

10

1 SUBSECTION (1)(J). THE FEES IMPOSED SHALL EQUAL, AS NEARLY AS
2 POSSIBLE, 1/2 OF THE DEPARTMENT'S COST OF PROVIDING THE SERVICE.
3 THE CONDUCT OF THE SERVICES RESULTING FROM A CESSATION OF A FOOD
4 SERVICE SANITATION PROGRAM IS CONSIDERED AN IMMINENT OR SUBSTAN-
5 TIAL HAZARD THAT ALLOWS THE DEPARTMENT TO IMPOSE THE SERVICE FEES
6 FOR UP TO 12 MONTHS AFTER THE DATE OF CESSATION BY THE LOCAL
7 HEALTH DEPARTMENT. AFTER THE 12-MONTH PERIOD, THE DEPARTMENT
8 SHALL COLLECT THE FEES ONLY IN THE AMOUNT PROVIDED BY AMENDMENT
9 OF THIS ACT OR AS AUTHORIZED PURSUANT TO APPROPRIATION.

10 Sec. 4117. (1) Except as provided in ~~subsection~~
11 SUBSECTIONS (2) AND (3), money collected under this chapter by
12 the department shall be credited to the general fund of the
13 state.

14 (2) A consumer food safety education fund is created as a
15 revolving fund in the department of treasury. The consumer food
16 safety education fund shall be administered by the department and
17 funded by adding \$3.00 to the fee for each food establishment
18 license in all categories except vending machines and in cases of
19 fee-exempt food establishments. The money in the fund shall be
20 used to provide statewide training and education to consumers on
21 food safety. An advisory committee consisting of at least 9
22 people representing consumers, industry, government, and academia
23 shall advise the department on the use of the funds. Money
24 remaining in the fund at the end of the fiscal year shall be car-
25 ried forward into the next fiscal year.

26 (3) An industry food-safety education fund is created as a
27 revolving fund in the department of treasury. The industry

HB 5928, As Passed Senate, June 5, 2002

House Bill No. 5928

11

1 food-safety education fund shall be administered by the
2 department and funded by adding \$2.00 to the fee for each food
3 service establishment license in all categories except vending
4 machines and in cases of fee-exempt food establishments. The
5 money in the fund shall be used to provide food safety training
6 and education to food service establishment employees and agents
7 of the director who enforce this act. The advisory committee
8 created in subsection (2) shall advise the department on the use
9 of the funds. Money remaining in the fund at the end of the
10 fiscal year shall be carried forward into the next fiscal year.

11 (4) AS USED IN THIS SECTION, "FEE-EXEMPT FOOD ESTABLISHMENT"
12 MEANS A FOOD ESTABLISHMENT EXEMPT FROM ALL STATE AND LOCAL FOOD
13 ESTABLISHMENT LICENSE FEES UNDER EITHER OF THE FOLLOWING
14 CIRCUMSTANCES:

15 (A) THE EDUCATION INSTITUTION EXEMPTION UNDER
16 SECTION 3119(4).

17 (B) A NONPROFIT ORGANIZATION THAT HAS AN EXEMPTION UNDER
18 SECTION 3119(5) COMBINED WITH AN EXEMPTION FROM THE LOCAL HEALTH
19 DEPARTMENT SANITATION SERVICE FEE UNDER SECTION 2444 OF THE
20 PUBLIC HEALTH CODE, MCL 333.2444.

21 Sec. 6101. (1) ~~Notwithstanding section 12909(3) and (4) of~~
22 ~~the public health code, MCL 333.12909, and rules promulgated~~
23 ~~under section 12909(3), chapters~~ CHAPTERS 1 ~~to~~ THROUGH 8 of
24 the food code are incorporated by reference except as amended and
25 modified as follows:

HB 5928, As Passed Senate, June 5, 2002

House Bill No. 5928

12

1 (a) Section 3-401.11(B) is modified so that the oven
2 temperature for high humidity oven temperature reads "~~66 C~~ 54 C
3 (130 F) or higher".

4 (b) Where provisions of this act and rules promulgated under
5 this act specify different requirements.

6 (C) SECTION 3-201.11(D) IS MODIFIED SO THAT
7 "SUBPARAGRAPH 3-401.11(C)(1)" READS
8 "SUBPARAGRAPH 3-401.11(D)(1)".

9 (D) SECTION 6-101.11 IS MODIFIED TO ADD AFTER
10 SUBPARAGRAPH (A)(3): "(B) IN A TEMPORARY FOOD ESTABLISHMENT:".

11 (2) The director, by promulgation of a rule, may adopt any
12 changes or updates to the food code.

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

15 Sec. 6149. (1) AS USED IN THIS SECTION:

16 (A) "DISCLOSURE" MEANS A WRITTEN IDENTIFICATION AS TO WHICH
17 ITEMS ARE, OR CAN BE, ORDERED RAW OR UNDERCOOKED IN THEIR ENTIRE-
18 TY, OR ITEMS THAT CONTAIN AN INGREDIENT THAT IS RAW OR
19 UNDERCOOKED.

20 (B) "PUBLICLY AVAILABLE" MEANS ACCESSIBLE TO CONSUMERS,
21 WITHOUT THEIR HAVING TO REQUEST IT, BEFORE THEIR PLACING THEIR
22 FOOD ORDERS OR MAKING THEIR SELECTIONS.

23 (C) "REMINDER" MEANS A WRITTEN NOTICE CONCERNING THE SIGNIF-
24 ICANT HEALTH RISK OF CONSUMING RAW OR UNDERCOOKED ANIMAL FOODS.

25 (D) "SELECTION INFORMATION" MEANS WHATEVER CONSUMERS READ TO
26 MAKE THEIR ORDER SELECTIONS, SUCH AS MENU, TABLE TENT, PLACARD,
27 CHALKBOARD, OR OTHER WRITTEN MEANS.

HB 5928, As Passed Senate, June 5, 2002

House Bill No. 5928

13

1 (2) ~~(1)~~ To satisfy section 3-603.11 of the food code, the
2 ~~following must be met: (a) A disclosure or reminder, or both,~~
3 ~~shall be made by effective written means.~~ FOOD ESTABLISHMENT
4 MUST MEET THE PRESCRIPTIONS OF THIS SECTION.

5 (3) ~~(b) Disclosure~~ THE FOOD ESTABLISHMENT SHALL MAKE A
6 DISCLOSURE IN THE SELECTION INFORMATION that an item contains raw
7 or undercooked food of animal origin by either or both of the
8 following METHODS:

9 (A) ~~(i)~~ Items are described to include the disclosure,
10 such as "oysters on the half shell (raw oysters)", "raw-egg
11 caesar salad", "EGGS (MAY BE REQUESTED UNDERCOOKED)", and
12 "hamburgers (can be cooked to order)". THE DISCLOSURE IS NOT
13 LIMITED TO THOSE ITEMS AND DESCRIPTIONS IN THIS SUBDIVISION BUT
14 INCLUDES ITEMS AND DESCRIPTIONS OF A SIMILAR NATURE.

15 (B) ~~(ii)~~ Items are asterisked with a footnote that states
16 the items are served raw or undercooked, contain, or may contain
17 raw or undercooked ingredients.

18 (4) ~~(c)~~ A reminder of the SIGNIFICANTLY increased risk
19 associated with eating ~~such~~ foods SUBJECT TO THE DISCLOSURE in
20 raw or undercooked form ~~. The reminder is satisfied when~~
21 ~~items requiring disclosure are asterisked to a footnote that~~
22 ~~states~~ BY 1 of the following METHODS:

23 (A) ITEMS REQUIRING DISCLOSURE ARE ASTERISKED ON THE SELEC-
24 TION INFORMATION TO A FOOTNOTE THAT STATES 1 OF THE FOLLOWING
25 DISCLOSURES:

26 (i) "Regarding the safety of these items, written
27 information is available on request."

HB 5928, As Passed Senate, June 5, 2002

House Bill No. 5928

14

1 ~~(ii) "When eating out or cooking at home, thorough cooking~~
2 ~~of foods of animal origin reduces the risk of foodborne illness.~~
3 ~~Contact your physician or public health professional for further~~
4 ~~information.".~~

5 (ii) ~~(iii)~~ "Consuming raw or undercooked meats, poultry,
6 seafood, shellfish, or eggs may increase your risk of foodborne
7 illness.".

8 (iii) ~~(iv)~~ "Consuming raw or undercooked meats, poultry,
9 seafood, shellfish, or eggs may increase your risk of foodborne
10 illness, especially if you have certain medical conditions.".

11 ~~(2) As used in this section, "effective written means"~~
12 ~~means the information is displayed in a manner that is noticeable~~
13 ~~to be read by an interested person actively seeking this~~
14 ~~information. It does not include effectiveness in changing~~
15 ~~behavior, effectiveness in educating the target audience, or the~~
16 ~~effectiveness in being read. For purposes of this section, the~~
17 ~~opinion of the person in charge on the effectiveness should be~~
18 ~~presumed to be accurate unless there is a factual reason to~~
19 ~~believe otherwise.~~

20 (B) EITHER OF THE REMINDERS LISTED UNDER SUBDIVISION (A)(ii)
21 OR (iii) IS USED AND APPEARS AT LEAST ONCE IN THE SELECTION
22 INFORMATION ON THE FIRST INTERIOR PAGE OR THE PAGE WHERE THE
23 FIRST ITEM REQUIRING DISCLOSURE APPEARS. WHEN THE OPTION
24 DESCRIBED IN THIS SUBDIVISION IS USED, THE WORD "NOTICE" SHALL
25 APPEAR BEFORE THE REMINDER STATEMENT.

HB 5928, As Passed Senate, June 5, 2002

House Bill No. 5928

15

1 (C) A PUBLICLY AVAILABLE PLACARD SUPPLIES THE REMINDER OF
2 THE SIGNIFICANTLY INCREASED RISK AND MEETS THE FOLLOWING
3 REQUIREMENTS:

4 (i) IT IS TITLED "NOTICE" AND CONTAINS 1 OF THE REMINDERS
5 LISTED IN SUBDIVISION (A)(ii) OR (iii).

6 (ii) IT IS POSTED NEAR THE CUSTOMER ENTRANCES OF THE ESTAB-
7 LISHMENT AND IS CLEARLY VISIBLE TO THE CUSTOMERS.

8 (iii) ALL LETTERS IN THE TITLE ARE CAPITALIZED IN BOLD,
9 ARIAL FONT NOT LESS THAN 44-POINT FONT SIZE AND, IF MENU ITEMS
10 ARE ON THE PLACARD, THEN ALL LETTERS ARE EQUALLY READABLE AS THE
11 MENU ITEMS ON THE PLACARD.

12 (iv) ALL LETTERS IN THE REMINDER ARE ARIAL FONT NOT LESS
13 THAN 36-POINT FONT SIZE.

14 (v) THE REMINDER IS PLACED AT APPROXIMATELY EYE LEVEL AND IS
15 EASILY READABLE FROM THE POINT AT WHICH CONSUMERS WOULD NORMALLY
16 STAND TO READ IT.

17 (vi) THE REMINDER MAINTAINS VISIBILITY IN LAYOUT, FORMAT,
18 AND GRAPHICS IN CONTRAST TO OTHER POSTED MATERIALS.

19 (D) THE UNITED STATES FOOD AND DRUG ADMINISTRATION MODEL
20 CONSUMER ADVISORY BROCHURE OR EQUIVALENT AS DETERMINED BY THE
21 DIRECTOR IS PUBLICLY AVAILABLE.

22 (5) A REMINDER MAY BE TAILORED TO BE PRODUCT SPECIFIC IF A
23 FOOD ESTABLISHMENT EITHER HAS A LIMITED MENU OR OFFERS ONLY SPE-
24 CIFIC ANIMAL-DERIVED FOODS IN RAW OR UNDERCOOKED, READY-TO-EAT
25 FORM.

HB 5928, As Passed Senate, June 5, 2002

House Bill No. 5928

16

1 (6) THE LANGUAGE FOR THE MENU ITEMS SHALL MATCH THE LANGUAGE
2 USED FOR THE DISCLOSURE AND THE REMINDER. THE DISCLOSURE AND
3 REMINDER MAY ALSO BE IN ADDITIONAL LANGUAGES.

4 (7) THE TEXT FOR DISCLOSURES AND REMINDERS SHALL MEET THE
5 FOLLOWING REQUIREMENTS:

6 (A) THE TEXT SIZE FOR STATEMENTS ON HANDHELD MENUS OR TABLE
7 TENTS SHALL BE VISUALLY EQUIVALENT TO AT LEAST 11-POINT FONT SIZE
8 OR MAY BE VISUALLY EQUIVALENT TO THE FONT SIZE OF MENU ITEM
9 DESCRIPTIONS.

10 (B) TEXT COLOR PROVIDES A CLEAR CONTRAST TO BACKGROUND.

11 (8) TABLE TENTS, PLACARDS, OR CHALKBOARDS THAT ARE USED
12 EXCLUSIVELY TO LIST FOOD ITEMS THAT ARE OFFERED AS DAILY, WEEKLY,
13 OR TEMPORARY SPECIALS ARE EXEMPT FROM THE REQUIREMENTS OF THIS
14 SECTION WHEN THOSE FOOD ITEMS ALSO APPEAR IN THE PRIMARY SELEC-
15 TION INFORMATION THAT CONTAINS THE DISCLOSURES AND REMINDERS
16 MEETING THE REQUIREMENTS OF THIS SECTION.

17 Sec. 7101. Subject to section ~~1119(3)~~ 1119(2), a food
18 processing plant shall comply with the regulations of the food
19 and drug administration in 21 C.F.R. part 110, except that
20 refrigerated potentially hazardous food shall be stored at 4.4
21 degrees centigrade (40 degrees Fahrenheit) or below.

22 Enacting section 1. Sections 6119, 6121, 6123, and 6145 of
23 the food law of 2000, 2000 PA 92, MCL 289.6119, 289.6121,
24 289.6123, and 289.6145, are repealed.